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ABSTRACT

In view of the dramatic increase in juvenile delinquency, a two-track common sense approach including quality prevention programs and programs that assist in holding juveniles accountable for their actions is presented by the Committee on Education and the Workforce to the House of Representatives recommending that HR 1818 be passed. Title I amends the Juvenile Justice and Delinquency Prevention Act. It streamlines overall State plan requirements to make them more flexible, renames the Office of Juvenile Justice and Delinquency Prevention to the Office of Juvenile Crime Control and Delinquency Prevention; eliminates Parts D, E, F, G, H of the current law and replaces them with a block grant program, and eliminates authority for the White House Conference on Juvenile Justice. Title II contains amendments to the Runaway and Homeless Youth Act, leaving its purposes relatively unchanged, making technical corrections, and consolidating three funding streams into one. Title III repeals Title V incentive grants for local delinquency prevention programs. Title IV contains general provisions regarding the effective date and application of amendments. Title V authorizes funding for the National Center for Missing and Exploited Children. Included are dissenting and minority views, and cost estimates of the Congressional Budget Office. (EMK)

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105TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
105–155

ED 420 003

JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1997

JUNE 26, 1997.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GOODLING, from the Committee on Education and the Workforce, submitted the following

REPORT

together with

DISSENTING AND MINORITY VIEWS

[To accompany H.R. 1818]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 1818) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1998, 1999, 2000, and 2001, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Juvenile Crime Control and Delinquency Prevention Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Sec. 101. Findings.
Sec. 102. Purpose.
Sec. 103. Definitions.
Sec. 104. Name of office.
Sec. 105. Concentration of Federal effort.
Sec. 106. Coordinating Council on Juvenile Justice and Delinquency Prevention.
Sec. 107. Annual report.
Sec. 108. Allocation.
Sec. 109. State plans.
Sec. 110. Juvenile delinquency prevention block grant program.

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Sec. 116. Limitation on use of funds.
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TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

Sec. 201. Findings.
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TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 301. Duties and functions of the Administrator.
Sec. 302. Grants for prevention programs.
Sec. 303. Repeal of definition.
Sec. 304. Authorization of appropriations.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Effective date; application of amendments.

TITLE I—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 101. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

"FINDINGS

"SEC. 101. (a) The Congress finds the following:

"(1) There has been a dramatic increase in juvenile delinquency, particularly violent crime committed by juveniles. Weapons offenses and homicides are 2 of the fastest growing crimes committed by juveniles. More than ½ of juvenile victims are killed with a firearm. Approximately ⅕ of the individuals arrested for committing violent crime are less than 18 years of age. The increase in both the number of youth below the age of 15 and females arrested for violent crime is cause for concern.

"(2) This problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

"(A) quality prevention programs that—

"(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

"(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

"(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

"(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts. Without true reform, the criminal justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 30 percent.".

SEC. 102. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

"PURPOSES

"SEC. 102. The purposes of this title and title II are—

"(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

"(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

"(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.".

SEC. 103. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking "to help prevent juvenile delinquency" and inserting "designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior",

(2) in paragraph (4) by inserting "title I of" before "the Omnibus" each place it appears,

(3) in paragraph (7) by striking "the Trust Territory of the Pacific Islands,",

(4) in paragraph (9) by striking "justice" and inserting "crime control",

(5) in paragraph (12)(B) by striking ", of any nonoffender,",

(6) in paragraph (13)(B) by striking ", any non-offender,",

(7) in paragraph (14) by inserting "drug trafficking," after "assault,",

(8) in paragraph (16)—

(A) in subparagraph (A) by adding "and" at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking "and" at the end,

(11) in paragraph (23) by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(12) by adding at the end the following:

"(23) the term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

"(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

"(B) regular, remedial, special, and vocational education; and

"(C) counseling and treatment for substance abuse and other health and mental health problems;

"(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

"(25) the term 'violent crime' means—

"(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

"(B) aggravated assault committed with the use of a firearm;

"(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

"(27) the term 'related complex of buildings' means 2 or more buildings that share—

"(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

"(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.".

SEC. 104. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending the heading of part A to read as follows:

"PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION",

(2) in section 201(a) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(3) in subsections section 299A(c)(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention".

SEC. 105. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1) by striking the last sentence,

(2) in subsection (b)—

(A) in paragraph (3) by striking "and of the prospective" and all that follows through "administered",

(B) by striking paragraph (5), and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively,

(3) in subsection (c) by striking "and reports" and all that follows through "this part", and inserting "as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency",

(4) by striking subsection (i), and

(5) by redesignating subsection (h) as subsection (f).

SEC. 106. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is repealed.

SEC. 107. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in paragraph (2)—

(A) by inserting "and" after "priorities,", and

(B) by striking ", and recommendations of the Council",

(2) by striking paragraphs (4) and (5), and inserting the following:

"(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.", and

(3) by redesignating such section as section 206.

SEC. 108. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "amount, up to $400,000," and inserting "amount up to $400,000",

(II) by inserting a comma after "1992" the 1st place it appears,

(III) by striking "the Trust Territory of the Pacific Islands,", and

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000",

(ii) in subparagraph (B)—

(I) by striking "(other than part D)",

(II) by striking "or such greater amount, up to $600,000" and all that follows through "section 299(a) (1) and (3)",

(III) by striking "the Trust Territory of the Pacific Islands,",

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000", and

(V) by inserting a comma after "1992",

(B) in paragraph (3) by striking "allot" and inserting "allocate", and

(2) in subsection (b) by striking "the Trust Territory of the Pacific Islands,".

SEC. 109. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2nd sentence by striking "challenge" and all that follows through "part E", and inserting ", projects, and activities",

(B) in paragraph (3)—

(i) by striking ", which—" and inserting "that—",

(ii) in subparagraph (A)—

(I) by striking "not less" and all that follows through "33", and inserting "the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and",

(II) by inserting ", in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws" after "State",

(III) in clause (i) by striking "or the administration of juvenile justice" and inserting ", the administration of juvenile justice, or the reduction of juvenile delinquency",

(IV) in clause (ii) by striking "include—" and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

"represent a multidisciplinary approach to addressing juvenile delinquency and may include—

"(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

"(II) such other individuals as the chief executive officer considers to be appropriate; and", and

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (C) by striking "justice" and inserting "crime control",

(iv) in subparagraph (D)—

(I) in clause (i) by inserting "and" at the end,

(II) in clause (ii) by striking "paragraphs" and all that follows through "part E", and inserting "paragraphs (11), (12), and (13)", and

(III) by striking clause (iii), and

(v) in subparagraph (E) by striking "title—" and all that follows through "(ii)" and inserting "title,",

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking ", other than" and inserting "reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding" after "section 222", and

"(ii) in subparagraph (C) by striking "paragraphs (12)(A), (13), and (14)" and inserting "paragraphs (11), (12), and (13)",

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting ", including in rural areas" before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking "for (i)" and all that follows through "relevant jurisdiction", and inserting "for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State",

"(II) by striking "justice" the second place it appears and inserting "crime control", and

(III) by striking "of the jurisdiction; (ii)" and all that follows through the semicolon at the end, and inserting "of the State; and",

(ii) by amending subparagraph (B) to read as follows:

"(B) contain—

"(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

"(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

"(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system;", and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

"(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;",

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking ", specifically" and inserting "including",

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) by amending subparagraph (B) to read as follows:

"(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;",

(iii) in subparagraph (C) by striking "juvenile justice" and inserting "juvenile crime control",

(iv) by amending subparagraph (D) to read as follows:

"(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;",

(v) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking "juveniles, provided" and all that follows through "provides; and", and inserting the following:

"juveniles—

"(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

"(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and",

(vi) by amending subparagraph (F) to read as follows:

"(F) expanding the use of probation officers—

"(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(ii) to ensure that juveniles follow the terms of their probation;",

(vii) by amending subparagraph (G) to read as follows:

"(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;",

(viii) in subparagraph (H) by striking "handicapped youth" and inserting "juveniles with disabilities",

(ix) by amending subparagraph (K) to read as follows:

"(K) boot camps for juvenile offenders;",

(x) by amending subparagraph (L) to read as follows:

"(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;",

(xi) by amending subparagraph (M) to read as follows:

"(M) other activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;",

(xii) by amending subparagraph (N) to read as follows:

"(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;",

(xiii) in subparagraph (O)—

(I) in striking "cultural" and inserting "other", and

(II) by striking the period at the end and inserting a semicolon, and

(xiv) by adding at the end the following:

"(P) a system of records relating to any adjudication of juveniles less than 18 years of age who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult, that is—

"(i) equivalent to the records that would be kept of adults arrested for such conduct, including fingerprints and photographs;

"(ii) submitted to the Federal Bureau of Investigation in the same manner as adult records are so submitted;

"(iii) retained for a period of time that is equal to the period of time records are retained for adults; and

"(iv) available on an expedited basis to law enforcement agencies, the courts, and school officials (and such school officials shall be subject to the same standards and penalties that law enforcement and juvenile justice system employees are subject to under Federal and State law, for handling and disclosing such information);

"(Q) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts; and

"(R) programs designed to prevent and reduce hate crimes committed by juveniles.",

(I) by amending paragraph (12) to read as follows:

"(12) shall, in accordance with rules issued by the Administrator, provide that—

"(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

"(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

"(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

"(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

"(B) juveniles—

"(i) who are not charged with any offense; and

"(ii) who are—

"(I) aliens; or

"(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;",

(J) by amending paragraph (13) to read as follows:

"(13) provide that—

"(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

"(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles;",

(K) by amending paragraph (14) to read as follows:

"(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

"(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

"(i) for processing or release;

"(ii) while awaiting transfer to a juvenile facility; or

"(iii) in which period such juveniles make a court appearance;

"(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

"(i) in which—

"(I) such juveniles do not have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

"(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

"(ii) that—

"(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget);

"(II) has no existing acceptable alternative placement available;

"(III) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

"(IV) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

"(C) juveniles who are accused of nonstatus offenses and who are detained or confined in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

"(i) such jail or lockup—

"(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

"(II) has no existing acceptable alternative placement available;

"(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juvenile in accordance with this subparagraph; and

"(iii) detaining or confining such juvenile in accordance with this subparagraph is—

"(I) approved in advance by a court with competent jurisdiction; and

"(II) is required to be reviewed periodically, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention or confinement;",

(L) in paragraph (15)—

(i) by striking "paragraph (12)(A), paragraph (13), and paragraph (14)" and inserting "paragraphs (11), (12), and (13)", and

(ii) by striking "paragraph (12)(A) and paragraph (13)" and inserting "paragraphs (11) and (12)",

(M) in paragraph (16) by striking "mentally, emotionally, or physically handicapping conditions" and inserting "disability",

(N) by amending paragraph (19) to read as follows:

"(19) provide assurances that—

"(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

"(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

"(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;",

(O) by amending paragraph (23) to read as follows:

"(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;",

(P) by amending paragraph (24) to read as follows:

"(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

"(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

"(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

"(C) not later than 48 hours during which such juvenile is so held—

"(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

"(ii) such court shall conduct a hearing to determine—

"(I) whether there is reasonable cause to believe that such juvenile violated such order; and

"(II) the appropriate placement of such juvenile pending disposition of the violation alleged;",

(Q) in paragraph (25) by striking the period at the end and inserting a semicolon,

(R) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(S) by adding at the end the following:

"(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units, and

"(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.", and

(2) by amending subsection (c) to read as follows:

"(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a) in any fiscal year beginning after September 30, 1997, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

"(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

"(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.", and

(3) in subsection (d)—

(A) by striking "allotment" and inserting "allocation", and

(B) by striking "subsection (a) (12)(A), (13), (14) and (23)" each place it appears and inserting "paragraphs (11), (12), (13), and (22) of subsection (a)".

SEC. 110. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2nd part I as part F, and

(4) by inserting after part B the following:

"PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

"SEC. 241. AUTHORITY TO MAKE GRANTS.

"The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

"(1) projects that assist in holding juveniles accountable for their actions, including the use of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

"(2) projects that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

"(3) educational projects or supportive services for delinquent or other juveniles—

"(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

"(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

"(C) to assist in identifying learning difficulties (including learning disabilities);

"(D) to prevent unwarranted and arbitrary suspensions and expulsions;

"(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

"(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other handicapped juveniles; or

"(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies;

"(4) projects which expand the use of probation officers—

"(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(B) to ensure that juveniles follow the terms of their probation;

"(5) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

"(6) community-based projects and services (including literacy and social service programs) which work with juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

"(7) projects designed to provide for the treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

"(8) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

"(9) projects which provide for an initial intake screening of each juvenile taken into custody—

"(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

"(B) to provide appropriate interventions to prevent such juvenile from committing subsequent offenses;

"(10) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

"(11) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering services to juveniles;

"(12) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

"(13) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

"(14) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

"(15) family strengthening activities, such as mutual support groups for parents and their children;

"(16) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

"(17) programs that focus on the needs of young girls at-risk of delinquency or status offenses; and

"(18) other activities that are likely to prevent juvenile delinquency.

"SEC. 242. ALLOCATION.

"Funds appropriated to carry out this part shall be allocated among eligible States as follows:

"(1) Fifty percent of such amount shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

"(2) Fifty percent of such amount shall be allocated proportionately based on the annual average number of arrests for serious crimes committed in the eligible States by juveniles during the then most recently completed period of 3 consecutive calendar years for which sufficient information is available to the Administrator.

"SEC. 243. ELIGIBILITY OF STATES.

"(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

"(1) An assurance that the State will use—

"(A) not more than 5 percent of such grant, in the aggregate, for—

"(i) the costs incurred by the State to carry out this part; and

"(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

"(B) the remainder of such grant to make grants under section 244.

"(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

"(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

"(4) An assurance that each eligible entity described in section 244(a) that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

"(5) Such other information and assurances as the Administrator may reasonably require by rule.

"(b) APPROVAL OF APPLICATIONS.—

"(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

"(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

“(A)(i) the State submitted an plan under section 223 for such fiscal year; and

“(ii) such plan is approved by the Administrator for such fiscal year; or

“(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

“SEC. 244. GRANTS FOR LOCAL PROJECTS.

“(a) SELECTION FROM AMONG APPLICATIONS.—(1) Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State in accordance with subsection (b) to carry out projects and activities described in section 241.

“(2) For purposes of making such grants, the State shall give special consideration to eligible entities that—

“(A) propose to carry out such projects in geographical areas in which there is—

“(i) a disproportionately high level of serious crime committed by juveniles; or

“(ii) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

“(B)(i) agreed to carry out such projects or activities that are multidisciplinary and involve 2 or more eligible entities; or

“(ii) represent communities that have a developed plan designed to prevent, or reduce the rate of, juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

“(C) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

“(b) RECEIPT OF APPLICATIONS.—(1) Subject to paragraph (2), a unit of general local government shall submit to the State simultaneously all applications that are—

“(A) timely received by such unit from eligible entities; and

“(B) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

“(2) If an application submitted to such unit by an eligible entity satisfies the requirements specified in subparagraphs (A) and (B) of paragraph (1), such entity may submit such application directly to the State.

“SEC. 245. ELIGIBILITY OF ENTITIES.

“(a) ELIGIBILITY.—Subject to subsections (b) and except as provided in subsection (c), to be eligible to receive a grant under section 244, a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority), nonprofit private organization, unit of general local government, or social service provider, and or other entity with a demonstrated history of involvement in the prevention of juvenile delinquency, shall submit to a unit of general local government an application that contains the following:

“(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (14) of section 241 as specified in, such application.

“(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

“(3) A statement identifying the research (if any) such entity relied on in preparing such application.

“(b) REVIEW AND SUBMISSION OF APPLICATIONS.—Except as provided in subsection (c), an entity shall not be eligible to receive a grant under section 244 unless—

“(1) such entity submits to a unit of general local government an application that—

“(A) satisfies the requirements specified in subsection (a); and

“(B) describes a project or activity to carried out in the geographical area under the jurisdiction of such unit; and

“(2) such unit determines that such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

"(c) LIMITATION.—If an entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.".

SEC. 111. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 110, the following:

"PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

"SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

"(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

"(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

"(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

"(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

"(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

"(iv) successful efforts to prevent recidivism;

"(v) the juvenile justice system;

"(vi) juvenile violence; and

"(vii) other purposes consistent with the purposes of this title and title I.

"(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

"(b) STATISTICAL ANALYSES.—The Administrator may—

"(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consist with the purposes of this title and title I.

"(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

"(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

"(e) INFORMATION DISSEMINATION.—The Administrator may—

"(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

"(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

"(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

"SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.

"(a) TRAINING.—The Administrator may—

"(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

"(b) TECHNICAL ASSISTANCE.—The Administrator may—

"(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.".

SEC. 112. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

"PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

"SEC. 261. GRANTS AND PROJECTS.

"(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

"(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

"SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.

"The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

"SEC. 263. ELIGIBILITY.

"To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

"SEC. 264. REPORTS.

"Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.".

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and

(2) by striking subsections (a), (b), and (c), and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 1998, 1999, 2000, and 2001.

"(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

"(A) not more than 5 percent shall be available to carry out part A;

"(B) not less than 80 percent shall be available to carry out part B; and

"(C) not more than 15 percent shall be available to carry out part D.

"(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

"(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.".

SEC. 114. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d, by striking "as are consistent with the purpose of this Act" and inserting "only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance", and

(2) by adding at the end the following:

"(e) If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.".

SEC. 115. USE OF FUNDS.

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking "may be used for",

(B) in paragraph (1) by inserting "may be used for" after "(1)", and

(C) by amending paragraph (2) to read as follows:

"(2) may not be used for the cost of construction of any facility, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.",

(2) by striking subsection (b), and

(3) by redesignating subsection (c) as subsection (b).

SEC. 116. LIMITATION ON USE OF FUNDS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110, is amended adding at the end the following:

"SEC. 299F. LIMITATION ON USE OF FUNDS.

"None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.".

SEC. 117. RULES OF CONSTRUCTION.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 116, is amended adding at the end the following:

"SEC. 299G. RULES OF CONSTRUCTION.

"Nothing in this title or title I shall be construed—

"(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

"(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.".

SEC. 118. LEASING SURPLUS FEDERAL PROPERTY.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 117, is amended adding at the end the following:

"SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

"The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.".

SEC. 119. ISSUANCE OF RULES.

Part F of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 118, is amended adding at the end the following:

"SEC. 299I. ISSUANCE OF RULES.

"The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.".

SEC. 120. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking "prescribed for GS–18 of the General Schedule by section 5332" and inserting "payable under section 5376",

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93–415 (88 Stat. 1132–1143).

(b) CONFORMING AMENDMENTS.—(1) Section 5315 of title 5 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(2) Section 4351(b) of title 18 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(3) Subsections (a)(1) and (c) of section 3220 of title 39 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b)(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E",

(B) in section 214A(c)(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E",

(C) in sections 217 and 222 by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention", and

(D) in section 223(c) by striking "section 262, 293, and 296" and inserting "sections 262, 299B, and 299E".

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking "section 313" and inserting "section 331".

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking "sections 262, 293, and 296 of subpart II of title II" and inserting "sections 299B and 299E", and

(B) in section 223(c) by striking "section 262, 293, and 296 of title II" and inserting "sections 299B and 299E".

SEC. 121. REFERENCES.

In any Federal law (excluding this Act and the Acts amended by this Act), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

SEC. 201. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5) by striking "accurate reporting of the problem nationally" and inserting "an accurate national reporting system to report the problem,", and

(2) by amending paragraph (8) to read as follows:

"(8) services for runaway and homeless youth are needed in urban, suburban and rural areas;".

SEC. 202. AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.

Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) Such services—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.",

(2) in subsection (b)—

(A) in paragraph (2) by striking "the Trust Territory of the Pacific Islands,", and

(B) by striking paragraph (4), and

(3) by striking subsections (c) and (d).

SEC. 203. ELIGIBILITY.

Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8) by striking "paragraph (6)" and inserting "paragraph (7)",

(B) in paragraph (10) by striking "and" at the end,

(C) in paragraph (11) by striking the period at the end and inserting "; and", and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project;

in the year for which the report is submitted.", and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) provide backup personnel for on-street staff staff;

"(3) provide initial and periodic training of staff who provide such services; and

"(4) conduct outreach activities for runaway and homeless youth, and street youth.

"(d) To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

"(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

"(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

"(4) provide initial and periodic training of staff who provide home-based services; and

"(5) ensure that—

"(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

"(B) staff providing such services will receive qualified supervision.

"(e) To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

"(1) a description of—

"(A) the types of such services that the applicant proposes to provide;

"(B) the objectives of such services; and

"(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

"(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.".

SEC. 204. APPROVAL OF APPLICATIONS.

Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

"APPROVAL OF APPLICATIONS

"SEC. 313. (a) An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

"(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

"(2) which areas of such State have the greatest need for such services.

"(b) The Secretary shall, in considering applications for grants under section 311(a), give priority to—

"(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

"(2) eligible applicants that request grants of less than $200,000.".

SEC. 205. AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.

Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the heading by striking "PURPOSE AND",

(2) in subsection (a) by striking "(a)", and

(3) by striking subsection (b).

SEC. 206. ELIGIBILITY.

Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting ", and the services provided to such youth by such project," after "such project".

SEC. 207. AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the heading of such section by inserting "EVALUATION," after "RESEARCH,",

(2) in subsection (a) by inserting "evaluation," after "research,", and

(3) in subsection (b)—

(A) by striking paragraph (2), and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

SEC. 208. TEMPORARY DEMONSTRATION PROJECTS TO PROVIDE SERVICES TO YOUTH IN RURAL AREAS.

Section 344 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–24) is repealed.

SEC. 209. SEXUAL ABUSE PREVENTION PROGRAM.

Section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1922) is amended to read as follows:

"SEC. 40155. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF RUNAWAY, HOMELESS, AND STREET YOUTH.

"(a) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

"(1) by striking the heading for part F,

"(2) by redesignating part E as part F, and

"(3) by inserting after part D the following:

"'PART E—SEXUAL ABUSE PREVENTION PROGRAM

"'SEC. 351. AUTHORITY TO MAKE GRANTS.

"'(a) The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse.

"'(b) In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to non-profit private agencies that have experience in providing services to runaway and homeless, and street youth.'.

"(b) AUTHORIZATION OF APPROPRIATIONS.—Section 389(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by section 213 of the Juvenile Crime Control and Delinquency Prevention Act of 1997, is amended by adding at the end the following:

"'(4) There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.'".

SEC. 210. ASSISTANCE TO POTENTIAL GRANTEES.

Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

SEC. 211. REPORTS.

Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

"REPORTS

"SEC. 381. (a) Not later than April 1, 1999, and at 2-year intervals thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

"(A) alleviating the problems of runaway and homeless youth;

"(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

"(C) strengthening family relationships and encouraging stable living conditions for such youth; and

"(D) assisting such youth to decide upon a future course of action; and

"(2) in the case of projects funded under part B—

"(A) the number and characteristics of homeless youth served by such projects;

"(B) the types of activities carried out by such projects;

"(C) the effectiveness of such projects in alleviating the problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

"(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

"(G) activities and programs planned by such projects for the following fiscal year.

"(b) The Secretary shall include in the report required by subsection (a) summaries of—

"(1) the evaluations performed by the Secretary under section 386; and

"(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.".

SEC. 212. EVALUATION.

Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

"EVALUATION AND INFORMATION

"SEC. 384. (a) If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

"(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

"(2) collecting additional information for the report required by section 383; and

"(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

"(b) Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.".

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 389. (a)(1) There are authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

"(2)(A) From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

"(B) Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

"(3) After reserving the amounts required by paragraph (2), the Secretary shall reserve the remaining amount (if any) to carry out parts C and D.

"(b) No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.".

SEC. 214. CONSOLIDATED REVIEW OF APPLICATIONS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 384 the following:

"CONSOLIDATED REVIEW OF APPLICATIONS

"SEC. 385. With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

"(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

"(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.".

SEC. 215. DEFINITIONS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 385, as added by section 214, the following:

"DEFINITIONS

"SEC. 386. For the purposes of this title:

"(1) The term 'drug abuse education and prevention services'—

"(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

"(B) may include—

"(i) individual, family, group, and peer counseling;

"(ii) drop-in services;

"(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

"(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

"(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

"(2) The term 'home-based services'—

"(A) means services provided to youth and their families for the purpose of—

"(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

"(ii) assisting runaway youth to return to their families; and

"(B) includes services that are provided in the residences of families (to the extent practicable), including—

"(i) intensive individual and family counseling; and

"(ii) training relating to life skills and parenting.

"(3) The term 'homeless youth' means an individual—

"(A) who is—

"(i) not more than 21 years of age; and

"(ii) for the purposes of part B, not less than 16 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no other safe alternative living arrangement.

"(4) The term 'street-based services'—

"(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

"(B) may include—

"(i) identification of and outreach to runaway and homeless youth, and street youth;

"(ii) crisis intervention and counseling;

"(iii) information and referral for housing;

"(iv) information and referral for transitional living and health care services;

"(v) advocacy, education, and prevention services related to—

"(I) alcohol and drug abuse;

"(II) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

"(III) physical and sexual assault.

"(5) The term 'street youth' means an individual who—

"(A) is—

"(i) a runaway youth; or

"(ii) indefinitely or intermittently a homeless youth; and

"(B) spends a significant amount of time on the street or in other areas which increase the exposure of such youth to sexual abuse.

"(6) The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

"(7) The term 'youth at risk of separation from the family' means an individual—

"(A) who is less than 18 years of age; and

"(B)(i) who has a history of running away from the family of such individual;

"(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.".

SEC. 216. REDESIGNATION OF SECTIONS.

Sections 371, 372, 381, 382, 383, 384, 385, and 386 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, 385, 386, 387, and 388, respectively.

SEC. 217. TECHNICAL AMENDMENT.

Section 331 of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended in the 1st sentence by striking "With" and all that follows through "the Secretary", and inserting "The Secretary".

TITLE III—REPEAL OF TITLE V RELATING TO INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

SEC. 301. REPEALER.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5681 et seq.), as added by Public Law 102–586, is repealed.

TITLE IV—GENERAL PROVISIONS

SEC. 401. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to fiscal years beginning after September 30, 1997.

TITLE V—MISCELLANEOUS AMENDMENTS

SEC. 501. NATIONAL RESOURCE CENTER AND CLEARINGHOUSE FOR MISSING CHILDREN.

(a) ALTERNATIVE AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to The National Center for Missing and Exploited Children, a nonprofit corporation organized under the laws of the District of Columbia, $5,000,000 for each of the fiscal years 1998, 1999, 2000, and 2001 to operate a national resource center and clearinghouse designed—

(1) to provide to State and local governments, public and private nonprofit agencies, and individuals information regarding—

(A) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing children and their families, and

(B) the existence and nature of programs being carried out by Federal agencies to assist missing children and their families,

(2) to coordinate public and private programs which locate, recover, or reunite missing children with their legal custodians,

(3) to disseminate nationally information about innovative and model missing children's programs, services, and legislation, and

(4) to provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of missing and exploited child cases and in locating and recovering missing children.

(b) CONFORMING AMENDMENTS.—Section 404(b) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)) is amended—

(1) by striking ", shall",

(2) in paragraph (1)—

(A) in subparagraph (A) by inserting "shall" after "(A)", and

(B) in subparagraph (B) by striking "coordinating" and inserting "shall coordinate",

(3) in paragraph (2) by inserting "for any fiscal year for which no funds are appropriated under section 2 of the Missing and Exploited Children Act of 1997, shall" after "(2)",

(4) in paragraph (3) by inserting "shall" after "(3)", and

(5) in paragraph (4) by inserting "shall" after "(4)".

PURPOSE

The purpose of this Act is to assist State and local governments in their efforts to reduce juvenile crime through the funding of prevention programs and activities which hold juveniles accountable for their actions. The Act also provides technical assistance, research and dissemination of information on effective programs for combating juvenile crime to State and local governments. Additionally, the Act provides assistance to State and local governments to help address the problems of runaway and homeless youth, in particular, crisis residential care. The Act also assists in the development of programs for the recovery of missing and exploited children.

COMMITTEE ACTION

In the 104th Congress, the Subcommittee on Early Childhood, Youth and Families held four hearings for the purposes of considering and reviewing the authorization of the Juvenile Justice and Delinquency Prevention Act.

The first of the four hearings was held on March 28, 1996 in Washington, D.C. The witnesses were as follows: Linda O'Neal, Executive Director, Tennessee Commission on Children and Youth, Nashville, TN; Jerry Kilgore, VA Secretary of Public Safety, Richmond, VA; David Lehman, Chief Probation Officer, Eureka, CA; Lt. Dale Patch, Criminal Investigations Division, Des Moines Police Department, Des Moines, IA; James C. Backstrom, Dakota County Attorney, Hastings, MN; Neal Stanley representing Judge Glenda Hatchett, Chief Judge, Fulton County Juvenile Court, Atlanta, GA; Paul Watson, Executive Director, San Diego Youth and Community Services, San Diego, CA; Tara Jesse, Resident of the Take Wing

Transitional Living Program, San Diego, CA; Tara Gilmartin, Senior Peer Counselor Supervisor, The Sanctuary, Inc., Royal Oak, MI; Virginia Price, Chair of the National Council on Youth Policy and Clinical Director, Bridge Over Troubled Waters; Boston, MA.

The second hearing, which focused on youth violence and gangs, was held in Washington D.C. on April 30, 1996. Testifying at the April 30 hearing were: Rep. Bill McCollum of Florida; Rep. Maxine Waters of California; Tom Corbett, Attorney General, Commonwealth of Pennsylvania, Harrisburg, PA; Bobby Moody, Chief of Police, Covington, GA; Sidney Rosen, Adult Friends for Youth, Honolulu, HI; Lavonda Taylor; National Coalition of Juvenile Justice, West Memphis, AZ; Ira Schwartz, Dean of Social Work, University of Pennsylvania, Philadelphia, PA; Richard Wertz; Senior National Director, Justice Fellowship, Washington, D.C.

The third hearing, which focused on prevention programs, was held in Washington, D.C. on May 8, 1996. Testifying at the May 8 hearing were: Mr. Jim Braun, Executive Director, Youth in Need, St. Charles, MO; Michelle Wallis, Youth Vice Chair, National Network on Youth Policy and a Youth Volunteer with Youth in Need, St. Charles, MO; David Gilgoff, Executive Director, Valley Youth House, Allentown, PA; Lt. Jim Cervera, Community Police Project Coordinator, Virginia Beach Police Department, Virginia Beach, VA; Bill Long, Chief Probation Officer, York County, PA; Frank Buchum, Chairman, Missouri Juvenile Justice Advisory Group, Farmington, MO; Dr. Helen Chaset, Coordinator of Community and School Age Services, Montgomery County, Rockville, MD.

The fourth hearing was held in San Diego, California on May 13, 1996. Testifying at the May 13 hearing were: Judge James Milliken, Presiding Judge, Juvenile Court, San Diego, CA; Ronald Roberts, Chairman, San Diego Board of Supervisors, San Diego, CA; Alan Crogan, Chief Probation Officer, San Diego County, San Diego, CA; Jess Valenzuela, Director of Parks and Recreation, Chula Vista, CA; Kathy Lembo, Executive Director, South Bay Community Services, Chula Vista, CA; Janine Mason Barone, Fieldstone Foundation, San Diego, CA; Robert Fellneth, Executive Director, University of San Diego School of Law, San Diego, CA.

In the 105th Congress, the Subcommittee held four additional hearings for the purposes of considering and reviewing the authorization of the Juvenile Justice and Delinquency Prevention Act.

The first of the four hearings in the 105th Congress was held on February 20, 1997 in Windsor, California. The witnesses were as follows: The Honorable Jeanne Buckley, Juvenile Court Judge, Sonoma County Juvenile Court, Santa Rosa, CA; Mr. Michael J. Mullins, District Attorney, County of Sonoma, Santa Rosa, CA; Ms. Jocelyn Harper, Safe Schools Manager, Sonoma County Office of Education, Sonoma, CA; Mr. Tom Gordon, School Board member, Windsor, CA; Robert Gillen, Chief Probation Officer, Sonoma County Probation Office, Santa Rosa, CA; Chief Rick Alves, Chief of Police, Healdsburg Police Department, Healdsburg, CA; Ms. Teri Schmidt, Interventions Programs Coordinator, Circuit Rider Productions, Windsor, CA; Ms. Adele Mitchell, Teacher, Maria Carrillo High School, Santa Rosa, CA; and, Mr. Tito Roman, student, Maria Carrillo High School, Santa Rosa, CA.

The second hearing, which focused on the Administration's juvenile crime bill, was held in Washington D.C. on February 26, 1997. The hearing was held jointly with the Crime Subcommittee of the Judiciary Committee. The Honorable Janet Reno, United States Attorney General, was the sole witness.

The third hearing, which focused on prevention programs and on the current law, was held in El Monte, California on April 7, 1997. Testifying at the April 7 hearing were: The Honorable Gil Garcetti, Chief District Attorney, Los Angeles County, Los Angeles, CA; Mr. James Cook, Chief of Police, Westminster Police Department, Westminster, CA; the Honorable Michael Nash, Presiding Judge, Los Angeles County Juvenile Court, Los Angeles, CA; Dr. Malcolm Klein, Director, Social Science Research Institute, University of Southern California, Los Angeles, CA; Mr. Larry Springer, Director, Division of Juvenile Court and Community Schools, Los Angeles County Office of Education, Los Angeles, CA; Mr. Marc Freedman, Vice President, Public/Private Ventures, Berkeley, CA; Ms. Nancy Wileman, Coordinator, Consultation, Education, and Prevention, Didi Hirsch Community Mental Health Center, Culver City, CA; Mr. Clay Hollopeter, Executive Director, Boys and Girls Club of San Gabriel Valley, El Monte, CA.

The fourth hearing was held in Washington, D.C. on May 21, 1997. The hearing was on the proposed legislation. The witnesses were as follows: The Honorable Shay Bilchik, Administrator, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, Washington, D.C., Mr. James Sileo, National Board Member, Big Brothers Big Sisters of America, Greensburg, PA; the Honorable Kimberly O'Donnell, Juvenile and Domestic Relations District Court, Richmond, VA; Mr. Peter LaVallee, Director, Redwood Region Youth Service Bureau, Eureka, CA; Ms. Betty Tatham, Executive Director, YWCA of Bucks County, Trevose, PA; Mr. Michael Petit, Deputy Director, Child Welfare League of America, Washington, D.C.; and Mr. Jim Kester, Juvenile Justice Specialist, Criminal Justice Division, Governor's Office, Austin, TX.

LEGISLATIVE ACTION

On June 12, 1997, the Subcommittee on Early Childhood, Youth and Families reported H.R. 1818, as amended by voice vote.

On June 18, 1997, the Committee on Education and the Workforce assembled to consider H.R. 1818. Representative Frank Riggs, Subcommittee Chairman for the Early Childhood, Youth and Families Subcommittee offered an amendment in the nature of a substitute. A package of technical amendments to the amendment in the nature of the substitute was accepted and the Committee adopted the amendment in the nature of a substitute, as amended. H.R. 1818 was favorably reported out of Committee by voice vote.

BACKGROUND AND NEED FOR LEGISLATION

JUVENILE JUSTICE

Program history

The Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93–415) inaugurated a comprehensive effort to address the increase in juvenile crime during that time period. The Act created an Office of Juvenile Justice and Delinquency Prevention, (OJJDP), in the Department of Justice. OJJDP administers grants for the purposes of improving the juvenile justice system and preventing juvenile delinquency. In addition to establishing OJJDP, the Act created the National Institute for Juvenile Justice and Delinquency Prevention to serve as an information and training center. It also established a smaller assistance program for Runaway Youth in the Department of Health, Education and Welfare (now Health and Human Services). In 1984, Congress expanded the 1974 Act by authorizing the Missing Children's Assistance Program (P.L. 98–473).

When Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974, it chose a course similar to that of State reforms, which were beginning to focus on community-based interventions (except for the most violent offenders) rather than institutionalizing youth in penal facilities. The Act required that States separate juveniles from adults in secure facilities in order to be eligible for Federal formula grant monies. It placed a major emphasis on diverting youth from the legal system and placing them in community-based treatment centers.

As Congress authorized the Act in 1977, 1980, 1984 and 1988, five themes appeared. One was an effort to strengthen the position of the Administrator of OJJDP within the Department of Justice. The second was an effort to remove juveniles from adult jails and lockups. The third was the provision of an exception, the "valid court order," to the requirement that States divert status offenders from secure lockups to community-based facilities. The fourth was a growing emphasis on the prevention and control of serious juvenile offenses and youth gangs. The final theme was directed at renewing the mandate for strengthening and maintaining family values.

The removal of youth from adult detention centers, a theme that appeared in the 1980, 1984, and 1988 authorizations, went beyond the 1974 Act's mandate for the separation of juveniles from adults in secure facilities. The first authorization required States to remove juveniles from all adult detention centers in order to be eligible for OJJDP formula grant monies. The third reauthorization in 1988 reaffirmed congressional support for the removal of juveniles from adult jails.

As part of the effort to ensure the deinstitutionalization of youth and to treat status offenders differently from their more violent counterparts, the Act required that a judge must issue a valid court order in order for a status offender to be held in a secure facility. The 1980 authorization put in place the exception to the valid court order. The exception states that an adjudicated status offender could be incarcerated in a secure facility, if he or she violated the terms of the valid court order. In 1984 Congress defined a valid court order as "a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order." It was further clarified that "the use of the word 'valid' permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the Constitution of the United States."

The 1980, 1984, and 1988 authorizations emphasized the need to address the rise in youth violence and juvenile gangs, and the perceived breakdown of the family unit.

The 1988 authorization, contained in the Anti-Drug Abuse Act of 1988 (P.L. 100–690), established grant programs within OJJDP for the purposes of preventing juvenile gangs, and drug trafficking and treating drug abuse. The 1988 authorization provided for special emphasis programs designed to strengthen and maintain the family unit as a means to prevent and treat juvenile delinquency.

During the 1992 authorization, Congress also sought to address the problem of disproportionate representation of minorities in detention facilities.

Outlining the need for change

Today, 23 years after the creation of this Act, statistics on juvenile violence nationwide have fueled a reassessment of earlier Federal and State reform efforts. Although a December, 1996 OJJDP report showed a very small decrease (2%) in crime among those under 15 from 1994 to 1995, there has been a dramatic and fairly stable pattern of increase over the last 10 years.

A report released by OJJDP in December, 1996 documented that:

In 1995, juveniles accounted for 32% of robbery arrests, 23% of weapons arrests, 16% of rape arrests, 15% of aggravated assault arrests, and 15% of arrests for murder.

Juvenile violent crime arrests in 1995 were 12% higher than 1991 and 67% higher than 1986.

Murder arrest rates for juveniles in 1995 were 90% above 1986 rates.

A more comprehensive report released on March 7, 1996 showed that:

Over 2.7 million children under age 18 were arrested in 1994.

From 1985 to 1994, juvenile arrest rates increased 25% for boys and 40% for girls—this was higher than the increase for adults.

Six percent of juvenile arrests in 1994 were for Violent Crime Index offenses, which are murder, non-negligent manslaughter, forcible rape, robbery and aggravated assault.

From 1985 to 1994 violent crime arrest rates increased 128% for females and 69% for males. The murder rate increased 158% for males.

2800 juveniles were convicted of murder in 1994 alone.

The number of juveniles murdered increased by 82% between 1984 and 1994. The number of juveniles killed with a firearm almost tripled between 1984 and 1994.

Between 1989 and 1993, the proportion of students involved in gangs in school rose from 15 percent to 35 percent.

The juvenile arrest rate for weapons violations increased by 75% between 1987 and 1992.

Juveniles accounted for 35% of all property crimes by 1994.

Violent crime involving young people, both as perpetrators and victims, is on the rise—an alarming indicator of future trends. The number of juveniles arrested for weapons violations has more than doubled over the past decade. In 1994, a weapons law violation was the most serious charge in 63,400 juvenile arrests. It is likely that many more arrests involved weapons violations. However, FBI coding procedures require an arrest to be classified by the most serious charge involved. Consequently, none of the juvenile arrests for homicides or rape involving a firearm would be categorized as a weapons violation since it would not be the most serious offense.

These problems are not just happening in the streets. Schools are also becoming more dangerous. In a 1995 survey, 14% of boys and 9% of girls said they had been a victim of a crime at school. A 1993 survey found that 40% of secondary students had gangs in their schools and almost half knew of people with weapons at school. Schools where students had more access to alcohol and drugs also had higher rates of physical attacks and robberies.

The availability of weapons and drugs is both a contributor and a reflection of the rise in juvenile violent crime. For example, a Department of Justice study found that almost one-fourth of those arrested for weapons offenses nationwide during 1993 were under the age of 18. Recent national surveys indicate that juvenile drug use, especially marijuana, is rising across the country. Marijuana use among 12 to 17 year olds jumped 37 percent last year to 8.2%, more than double the rate in 1992. Cocaine use by America's youth, now at nearly 1 percent, is nearly three times the level of 1992 and monthly use of LSD increased by more than 50 percent, rising by nearly 200 percent since 1992.

Gangs continue to be a source of concern as well. A survey of law enforcement agencies in all 50 states released on April 2, 1997 by OJJDP found that there are approximately 665,000 gang members in 23,000 gangs nationwide. Furthermore, 49% of participating agencies described their gang activity as getting worse. At a Department of Justice news briefing on May 13, 1996, Attorney General Janet Reno stated that, "Twenty years ago, fewer than half our cities reported gang activity. A generation later, reasonable estimates indicate that there are now more than half a million gang members." The Attorney General also pointed out there had, as a result of this growth in gang activity, been 580,000 gang-related crimes in 1993.

Some criminologists and policymakers argue that we are on the verge of a teenage crime explosion, as the children of the baby boomers reach the age at which they are most likely to commit crimes. John J. DiIulio, Jr., a Princeton University professor of politics and public affairs, not only foresees a teenage crime wave, but also describes some youngsters as "superpredators," lacking in moral values and more violent than previous generations.

According to a 1996 report released by OJJDP, if trends continue as they have over the past 10 years, juvenile arrests for violent crime will more than double by the year 2010. The statistics are more staggering when you consider the anticipated increases by the type of crimes. The number of juvenile arrests for murder is predicted to increase 145% over the 1992 level by the year 2010. Aggravated assaults are expected to increase by 129% over the same period of time. The rate of juveniles committing rape is expected to increase by 66% and the rate of arrests for robbery is expected to increase by 58%.

Furthermore, recent studies have shown that a small portion of the offending population are committing the most heinous and violent crimes. Studies have shown that chronic offenders, about 6% of those juveniles who come in contact with the juvenile justice system, are responsible for about two-thirds of all violent offenses. In a study on high risk inner city youth, chronic offenders, about 14% to 19% of the offending population, commit three quarters of the juvenile violent crimes.

Given the growing number of studies and reports that indicate a dramatic increase in juvenile crime, particularly violent juvenile crime, it is the belief of the Committee that it is now appropriate to modify the current Juvenile Justice and Delinquency Prevention Act to reflect recent trends in juvenile crime.

The Committee believes it is important for States and local communities to undertake activities which prevent juveniles from becoming involved in delinquent activities and committing violent criminal acts. At the same time, it is important that we also take steps to ensure that youth are accountable for their behavior. Accountability, in and of itself, can be used as a prevention tool. After all, 59% of the youth who are referred to juvenile court are one-time offenders; they never again come into contact with the juvenile court system. The Committee believes we can help young people turn their lives around by combining accountability with strong prevention programs.

This legislation represents a new direction in efforts to prevent and control juvenile crime. It is the result of bipartisan discussion between members of the Committee, the Administration, and organizations and individuals interested in the issue of juvenile crime. It seeks to ensure youth receive appropriate consequences for their delinquent acts, and, at the same time, provides appropriate interventions to help ensure they are diverted from further delinquent activities.

RUNAWAY AND HOMELESS YOUTH

The Runaway and Homeless Youth Act (RHYA) was enacted as part of the Juvenile Justice and Delinquency Prevention Act of 1974 in order to help address the unique problems of runaway, thrownaway, or otherwise homeless youth. The problems of dealing with runaway and homeless youth are recognized as quite complex, multi-faceted and symptomatic of other problems adolescents are experiencing. The Act provides a variety of programs that range from providing crisis residential care to dealing with the risks of substance abuse, depression, depravation, illness, and sexual exploitation that face runaway and homeless youth today.

The RHYA consists of three major programs, but primarily funds basic runaway centers, i.e., local facilities that provide crisis residential care and counseling for runaway and homeless youth as well as counseling and after care services for the family (services provided following the youth's stay in the RHYA center). The law does not specify age or eligibility requirements for youth and is designed to meet the needs of runaway and homeless youth outside of the law enforcement and juvenile justice system. Youth generally may stay in the shelter up to two weeks. Basic center grants are made directly to the shelters, but dollar amounts are allocated according to each State's proportion of the population younger than 18 years. The law states that 90 percent of the RHYA's appropriation be distributed as direct services. In addition, the program funds a national toll-free hotline where youth can receive information on shelters and services available to them.

The Transitional Living Program (TLP) for Homeless Youth provides grants to local public and private organizations to address the shelter and service needs of homeless youth. This program is designed to meet the more complex, long term needs of older homeless youth ages 16–21. Grants are used to develop or strengthen community-based programs which assist homeless youth in making a smooth transition to a productive adulthood and social self sufficiency. Grant money is also used to provide technical assistance to transitional living programs to enhance their capacity to acquire and maintain resources and service linkages in their local communities. It is estimated that between one-third and one-half of all youth served by the current runaway and homeless youth centers are homeless either through mutual agreement with their families or because they have been pushed out by a parent or legal guardian.

A homeless youth accepted into the Transitional Living Program is eligible to receive shelter and services for up to 540 days (18 months). The services include: information and counseling in basic life skills, such as money management and housekeeping; interpersonal skill building, such as decision making and priority setting; educational advancement; job attainment; and mental and physical health care.

The third major program of the RHYA is the Drug Education and Prevention Program (DEPP). The purpose of this program is to reduce and prevent the illicit use of drugs by runaway and homeless youth through service projects, research and demonstration programs. The program is designed to provide individual, family and group counseling to reduce or prevent drug abuse, develop and support peer counseling programs, develop and support community education programs including outreach to individual youth; provide assistance to runaway and homeless youth in rural areas through the development of support groups, provide training and information on drug abuse to persons involved in providing services to runaway and homeless youth, support research on the illicit use of drugs by runaway and homeless youth, and improve the availability and coordination of local service programs assisting runaway and homeless youth. This program also funds technical assistance to runaway and homeless youth service providers.

MISSING CHILDREN'S ASSISTANCE ACT

Concern over the growing number of missing children in the United States prompted Congress in 1982 to pass the Missing Children's Assistance Act which allowed the names of missing children to be entered into a data bank in the Department of Justice and through the National Crime Information Center and permitted the exchange of records and information regarding missing children. The 1984 reauthorization of the Juvenile Justice and Delinquency Prevention Act expanded the Federal role in this area. The Act defined the term "missing child", established a toll-free hot-line to report information on the location of any missing child, established a National Resource Center in the Department of Justice to coordinate public and private programs and to disseminate information to assist law enforcement officials in the recovery of missing children, and authorized grants for research projects and programs related to missing children's cases.

BILL SUMMARY

Title I of the Juvenile Crime Control and Delinquency Prevention Act of 1997 amends the Juvenile Justice and Delinquency Prevention Act to make substantial changes to the law. It streamlines overall State plan requirements and specifically modifies the four core State plan requirements to make them more flexible. The bill renames the Office of Juvenile Justice and Delinquency Prevention, the Office of Juvenile Crime Control and Delinquency Prevention. The bill eliminates Parts D, E, F, G and H of Title II of current law and replaces them with a Juvenile Delinquency Prevention Block Grant Program. The Part I authority for a White House Conference on Juvenile Justice is also eliminated.

Title II of the Juvenile Crime Control and Delinquency Prevention Act of 1997 contains amendments to the Runaway and Homeless Youth Act (RHYA). The purposes of the RHYA remain relatively unchanged. It will continue to fund local facilities providing emergency residential care and counseling for runaway and homeless youth, continue to focus on reuniting youth with their families, and continue to offer grants for Transitional Living Projects (TLP) and help assist in Drug Education and Prevention Program (DEPP). The amendments consolidate three separate funding streams for the RHYA, TLP and DEPP into a single authorization and make numerous technical corrections.

Title III of the Juvenile Crime Control and Delinquency Prevention Act of 1997 contains the repeal of the Title V relating to Incentive Grants for Local Delinquency Prevention Programs.

Title IV of the Juvenile Crime Control and Delinquency Prevention Act of 1997 contains general provisions regarding the effective date and application of amendments.

Title V of the Juvenile Crime Control and Delinquency Prevention Act of 1997 authorizes funding for the National Center for Missing and Exploited Children (NCMEC) under the Missing Children's Assistance Act. Title II of the Juvenile Crime Control and Delinquency Prevention Act of 1997 contains amendments to the Runaway and Homeless Youth Act. The purposes of the RHYA remain relatively unchanged. It will continue to fund local facilities providing emergency residential care and counseling for runaway and homeless youth, continue to focus on reuniting youth with their families, and continue to offer grants for transitional living projects and help assist in drug education and prevention activities. The amendments consolidate three separate funding streams for the RHYA, TLP, and DEPP into a single authorization and make numerous technical corrections.

COMMITTEE VIEWS

JUVENILE JUSTICE

The Committee believes it is important not only to prevent children and youth from ever becoming involved in delinquent activities but to help those youth already in the juvenile justice system to turn their lives around. We believe this can be accomplished through modifications to the current Juvenile Justice and Delinquency Prevention Act which focus on holding youth accountable for their actions and strong prevention activities.

Changing the name of the act and the office

H.R. 1818 renames the Juvenile Justice and Delinquency Prevention Act the Juvenile Crime Control and Delinquency Prevention Act and makes similar changes to references to juvenile "justice" throughout H.R. 1818. The name change and other changes throughout the bill reflect a change in purpose and focus in legislation. It is not the intention of the Committee, by removing the word "justice" to infer that juveniles have fewer rights under federal and State law than exist under current law. It is also not the intention of the Committee to replace the Office of Juvenile and Delinquency Prevention with another agency. Therefore, personnel and the ability to manage existing grants and contracts should not be affected.

The change in name of the office and the focus of current law does mirror what is happening in society. The nature of juvenile crime has changed dramatically over the past decade. Juvenile crime has become more violent. A slap on the wrist is no longer the most effective way of dealing with the more violent juvenile offenders. The current Juvenile Justice and Delinquency Prevention Act does not recognize current trends in juvenile crime. We not only need to prevent crime, we need to control it in order to reduce the incidence of juvenile crime.

While the Committee is changing the name of the Act and the name of the office, it is not the intention of the Committee to reduce the current emphasis on prevention programs. We now know that the lack of consistent intervention with juvenile offenders after their first contact with the juvenile justice system is one of the largest gaps in services for troubled youth. If these children fall through the cracks, they may start on a dangerous course of increasingly serious crimes. Studies show early intervention has been successful in preventing the escalation of minor offenses into violent crimes. The Committee does, however, clearly want to send a signal that the Federal government supports State and local efforts to control juvenile crime as well as efforts to prevent juvenile delinquency.

In our view, the two most important approaches to attacking juvenile crime are clear: prevention and holding juveniles accountable for the crimes they commit. Controlling juvenile crime must start early with juveniles in order to make them understand that there are consequences for their actions. Sending the message to our nation's youth that they will be punished for their delinquent activities is one of the most effective means of crime control and prevention.

This legislation supports both prevention and accountability activities. As Jim Cook, Chief of Police, Westminster, California stated in his testimony before the Subcommittee, "prevention is just as important as suppression." He said, "Suppression without prevention will not reduce the number of individuals who become involved in gangs. Prevention and suppression should be viewed as complementary approaches." He further stated, "If you want to stop gang crime, it is like a bathtub full of water. You have to pull the plug—put some of them in jail—and shut off the spigot, the prevention. One without the other will not work."

The name of the Act and the office should be changed to reflect the change in direction of our Federal juvenile justice program.

Providing flexibility to states in meeting the four core state plan requirements

In order for States to receive funds under the Juvenile Justice and Delinquency Prevention Act, they must meet four core State plan requirements. In addition, current law provides that a State must comply with each of the four mandates in order to receive one hundred percent of its allotment. For each mandate with which a State is in compliance, it will receive 25 percent of its allotment.

The four core requirements contained in current law are:

1. *Deinstitutionalization of Status Offenders.*—Requires that status offenders *not* be placed in jails, lock-ups or secure detention and correctional facilities. The law was amended in 1988 to require a judge to go outside the court system to get clearance from an appropriate public agency before issuing a valid court order to hold a status offender in a secure facility.

2. *Separation of Juveniles from Adults in Institutions.*—Requires that juveniles housed with adults, be held out of "sight or sound" of adults. Before the last reauthorization, the law had disallowed "regular" contact between adults and juveniles. The last reauthorization struck the word "regular" and disallowed "all" contact with adults. Current law also prohibits the use of part-time, full-time security staff and direct-care staff, of a jail or lockup for adults, to serve juveniles.

3. *Removal of Juveniles from Jails and Facilities for Adults.*—Requires States to remove juveniles from adult jails or lockups, with a few exceptions which apply to rural areas.

4. *Overrepresentation of Minorities in Juvenile Justice.*—Requires that States address efforts to reduce the proportion of minority juveniles detained or confined in secure facilities, jails and lockups, if such proportion exceeds the proportion of minorities represented in the general population.

Over the years, the Committee has received information on the burdensome nature of the four core requirements. Several witnesses over the course of the Committee's hearings on juvenile justice during the 104th and 105th Congress mentioned the burdens the mandates imposed at both the State and local level. Janet Reno, U. S. Attorney General, in her testimony before the Committee, referred to the core requirements and stated that she recognized the "need for more local flexibility."

Other witnesses pointed out problems with specific mandates. In each instance, the Committee has modified the existing mandates to provide more flexibility to the States in meeting these requirements.

Deinstitutionalization of status offenders

The Committee has heard from several witnesses regarding the need for more flexibility in dealing with status offenders. Michael Mullins, District Attorney, Sonoma County, California, in his testimony before the Committee stated, "I have personally spoken to parents who are literally out of their minds with grief and worry by the fact that their children are using drugs, they are runaways, and yet it seems that society has provided them no means or assistance in controlling these children."

In his testimony before the Committee during the 104th Congress, Jerry Kilgore, then Virginia Secretary of Public Safety, stated, "Localities need the ability to detain status offenders in a secure environment * * * More flexibility to deal with these offenders when they have their first exposure to the court system would enhance our chances of successful intervention."

In an effort to address concerns regarding the requirement for the deinstitutionalization of status offenders, H.R. 1818 makes a number of changes to current law to increase the flexibility of States to treat such youth in the most appropriate manner. The bill returns to prior law by eliminating the need for a judge to receive a report from an "appropriate public agency" (other than a court or law enforcement agency) before the issuance of a valid court order allowing a juvenile to be held in a secure facility. This will enhance the ability of courts to detain status offenders when necessary by allowing the judge to issue a valid court order without receiving a report from an appropriate public agency.

However, the Committee recognizes the need to ensure the proper placement of youth who do commit status offenses and are held under a valid court order. Therefore, H.R. 1818 includes language which requires the appropriate public agency to be promptly notified if a juvenile is held under a valid court order. The appropriate agency, after receiving a referral by the court, is required to personally interview the juvenile within 24 hours of the referral and to submit an assessment to the court regarding the immediate needs of the juvenile. After receipt of such report, the court is then required to conduct a hearing to determine two things. First, if the juvenile violated such order; second, the appropriate placement for the juvenile, pending disposition of the violation alleged. While advice from an outside agency is still required, the Committee believes it is important that a judge be allowed to issue a valid court order prior to soliciting such input.

The Committee would like to point out that it does not support the blanket use of the valid court order exception. We believe that the detention of status offenders in secure facilities should be reviewed on a case-by-case basis and whenever possible the least restrictive alternative is preferable to the secure detention or confinement of status offenders.

The Committee bill also requires that the deinstitutionalization requirement be carried out in accordance with rules issued by the Administrator. Such rules currently allow a status offender to be held 24 hours prior to and 24 hours following an initial court appearance. The Committee supports the flexibility provided through current regulations. Although many status offenders may be runaways fleeing abusive situations, that the commission of status offenses such as truancy and running away may be warning signs of future problems. Research shows that there are three types of status offenders: One-time offenders, habitual status offenders, and juveniles who are also committing other delinquent offenses. According to the testimony of Malcolm Klein, Director of the University of Southern California Social Sciences Institute, "The pure status offender is atypical: most status offenders also commit a variety of delinquent or other deviant acts."

All categories of status offenders increased from 1985 to 1994. Liquor law violators increased 117%, truants increased 67%, and runaways increased 25%. Chronic truancy is one of the best predictors of delinquency. Truants are at higher risk for involvement with drugs, alcohol, and violence. The Committee supports holding status offenders if the main purpose is to assess the needs of such youth in order to prevent their involvement in non-status delinquent activities. In Virginia, 50% of first-time status offenders are re-arrested within 3 years. 85% of those who are re-arrested are arrested for a crime more serious than a status offense. The Committee believes there is a strong need to provide appropriate interventions and prevention activities for status offenders and would encourage courts to use the flexibility provided through current regulations to determine whether or not such youth are in need of assistance.

The Committee is also concerned about the ability of the court to hold runaways in order to reunite them with their parents. Parents must often travel across the country in order to be reunited with their children. As such, the Committee provides an exception from the deinstitutionalization language for runaways held in accordance with the Interstate Compact on Juveniles. The Committee urges the courts to exercise caution when holding runaways in order to reunite them with their families. It is important to ensure that such youth are not running away from an abusive situation at home.

Separation of juveniles from adults in institutions

Several witnesses at hearings held during the 104th and 105th Congress also discussed the "sight and sound" separation mandate for periods when juveniles are held in the same facility with adults.

H.R. 1818 modifies the current law provision to prohibit regular and incidental unsupervised contact. The Committee believes that this change will provide the appropriate flexibility without retreating from the principle that strict sight and sound separation of juveniles from adults must be maintained. The Committee does not believe that sporadic encounters in hallways between juveniles and adults, as they are traveling to and from meals, exercise areas, etc. is harmful provided there is appropriate supervision of these incidental, infrequent meetings.

This modification was supported during Committee hearings. During the 104th Congress, James Backstrom, Dakota County Attorney, MN, (on behalf of the National District Attorneys Association), testified that, "* * * regulations which make it a violation for inadvertent contact to occur between a juvenile and adult offender should be eliminated. * * * modifications to absolute "sight and sound" restrictions are both appropriate and necessary, as local law enforcement officials seek to cope with dramatic increases in violent juvenile crime." Shay Bilchik, Administrator of the Office of Juvenile Justice and Delinquency Prevention stated in his testimony before the Committee in 1997, "When changes were made to take out the regular contact provisions, we went a step beyond what local officials could deal with and reasonably implement with the present capacity. So, by reinstituting the prohibition against regular contact by inserting some of the language about incidental contact and introducing the supervision aspect, you are coming back to a place where local jurisdictions will have more flexibility in implementing these provisions. I think that kind of standard would minimize potential danger to these children, particularly while they are being supervised."

Concerns were also raised regarding the prohibition on "shared staff" as part of the sight and sound separation requirement. For example, an individual serving a meal to an adult could not serve a meal to a juvenile, even if they were not served at the same time. According to James Backstrom (speaking on behalf of the National District Attorneys Association at a hearing held during the 104th Congress), "The prohibition of the use of shared staff in both juvenile and adult detention facilities should be eliminated. Reasonable restrictions, such as preventing staff from working in both facilities on the same shift, would be appropriate." The Committee agrees that this restriction is particularly burdensome, especially in small communities and in rural areas. The Committee further believes that staff working in co-located facilities should be able to work with both juveniles and adults as long as they have been appropriately trained and certified by the State under State standards. As such, H.R. 1818 would permit shared staff to work with juveniles, provided the staff has been trained to work with juveniles. States must provide assurances that there is in effect a State policy requiring such training.

Removal of juveniles from jails and facilities for adults

Witnesses also expressed concerns over provisions in current law that require separate facilities for juveniles and adults, if the juvenile is to be held for more than a twenty-four hour period while awaiting an initial court appearance. This requirement was particularly burdensome in rural areas with a limited number of law enforcement officers and separate facilities for juveniles. According to Shay Bilchik, "In our field hearings, in the feedback we have gotten from the practitioners, that seems to be one of the main issues of difficulty with the core requirements in the jail lockup removal: What do you do in rural areas where you have great distance and less than adequate facilities to deal with these kids?"

The Committee addresses this valid concern of rural jurisdictions and has expanded the current rural exception that allows for juveniles to be held in jails and lockups with adults for up to 24 hours. H.R. 1818 builds additional flexibility into the law for rural areas by extending the period of time to up to 48 hours, excluding weekends and holidays, for which juveniles can be held in a facility with adults, prior to an initial court appearance. The use of this provision is still restricted to facilities that provide for "sight and sound" separation.

In addition, H.R. 1818 allows juveniles to be held for longer periods of time in facilities with adults in rural areas as long as there is no existing acceptable alternative placement, the parent or legal guardian (or guardian ad litem) of the juvenile involved consents and it is approved in advance by the court. Such placement is, however, required to be reviewed periodically, at intervals of not more than 5 days for the duration of the detention or confinement to insure it is the appropriate placement for such youth. The addition of this language provides a judge with additional flexibility in dealing with youth in rural areas as long as the parents of such youth agree. Sight and sound separation restrictions would continue to apply in such instances. The Committee urges the court to use this exception carefully. It is important that the court considers such factors as the relationship between the juvenile and their parents or guardian, the conditions of confinement in the jail or lockup facility where the juvenile is to be housed, and the potential impact on the general welfare of the juvenile if he or she is held for extended periods of time in such a facility.

Overrepresentation of minorities in juvenile justice

H.R. 1818 also makes changes to the overrepresentation of minorities mandate. Current law focuses on the number of minorities in the judicial system compared to the general minority population. It does not look at the actual number of crimes committed by minorities. It focuses only on the number of juvenile minorities incarcerated. Current law can be interpreted to force States to release violent youth of minority origin or to refuse to arrest delinquent youth if their numbers in confinement exceed their numbers in the general population.

The Committee agrees the juvenile justice system should not discriminate against youth merely on the basis of race, but is concerned about the interpretation of the mandate in its current form. While we believe a modified focus on the possible over-representation of minorities in the juvenile justice system can be maintained in the law, we believe current law must be changed.

Jerry Regier, Director, Oklahoma Department of Juvenile Justice, in testimony before the Senate Subcommittee on Youth Violence on March 12, 1996, discussed a study published in late 1993 analyzing this issue in the State of Oklahoma. According to the study, African-American juveniles represented 9.6% of the juvenile population in Oklahoma but comprised 25% of all juvenile arrests. Native American juveniles, on the other hand, comprised 11.2% of the juvenile population yet only 5.1% of the total arrested. According to Mr. Regier, "Quotas are not the answer. Youth are placed in a system based on their acts, not their race. We do not plan to go out and arrest more Native American youth to get their numbers up, nor will we cease arresting African-American juveniles who commit crimes. Youth are arrested and adjudicated based on their acts, not their race."

The Committee bill maintains an over-representation mandate, but changes it to focus State efforts on improving the way minority juveniles are treated in the juvenile justice system in order to reduce, without establishing or requiring quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.

The requirement has also been modified to require States to address prevention efforts to areas where a disproportionate number of juvenile members of minority groups come into contact with the juvenile justice system. The Committee believes that prevention is key to reducing juvenile crime. If juveniles are over-represented in the juvenile justice system because they are committing more crimes, then States should focus prevention efforts on those areas experiencing the greatest difficulty in reducing juvenile crime among minority populations.

The Committee would like to clarify that, for purposes of identifying over-representation of minorities, juveniles detained in a facility that is not within the jurisdiction where the offense was committed shall not be counted for purposes of determining whether there is an over-representation problem in the community where the facility is located.

The Committee believes the criminal justice system should be color blind. Individuals charged for the same crime under the same circumstances should be treated uniformly by the juvenile justice system. The modifications made by H.R. 1818 to the current mandate will help ensure that our efforts eliminate the true bias in the juvenile justice system and does not create quotas, which could result in the release of violent juvenile offenders.

Change in penalties for noncompliance

Finally, the Committee bill modifies current law provisions allowing 25 percent of a State's funds to be held for each mandate for which it is not in compliance.

The Committee has modified the law to provide States with 50 percent of their State allotment, independent of their compliance with the four core requirements. States can still lose up to one-quarter of the remaining 50 percent of their allotment (12.5%) for each core requirement for which they are not in compliance. However, this change will ensure that States still receive funds with which to combat juvenile delinquency even if they are not in compliance with all of the mandates. It is the view of the Committee that States should not be denied important financial resources for combating juvenile crime, simply because they are having difficulties meeting the four core requirements. Not only do States suffer under current law requirements, but the juveniles who require services funded through this Act suffer as well. The changes to this provision contained in H.R. 1818 represent a thoughtful solution to this problem. While still providing a financial incentive for States to meet the mandates, the penalties are not so harsh as to thwart State efforts to address issues related to juvenile delinquency.

Requiring juveniles to be accountable for their actions

One theme which echoed throughout the hearings held by the Subcommittee was the need to hold juveniles accountable for their actions. Forty-four States have already strengthened their State laws with respect to violent juvenile offenders. According to noted criminologist James Q. Wilson, "There ought to be penalties from the earliest offense * * * so that juveniles are treated by the State the same way we treat our children. You don't ignore the fact that they're wrecking the house until they finally burn it down. You try to deal with it right away."

The Committee has, therefore, modified the section of the State plan outlining the purposes for which funds under this Act are spent. Now States can use Federal funds to support State programs that hold youth accountable for their actions, such as:

1. The expanded use of probation officers. States could now permit nonviolent delinquent juveniles to remain at home with their families as an alternative to incarceration or institutionalization by assigning a probation officer to ensure that the juvenile follows the terms of their probation.
2. Programs that hold juveniles accountable for their actions. These programs could include the use of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage they caused. Such a system could also include a system of graduated sanctions (as defined in this Act) for juvenile delinquents that ensures an appropriate sanction for every delinquent act.
3. Programs that utilize multidisciplinary interagency case management and information sharing procedures. Such programs would enable the juvenile justice and law enforcement agencies, schools and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent and serious delinquent acts. Such programs are not intended to lessen the need for confidentiality of juvenile records and the Committee would urge States to ensure that appropriate safeguards are in place should they use funds for such programs.
4. The development of a system of open records relating to any adjudication of juveniles less than 18 years of age, who are adjudicated delinquent for conduct that if committed by an adult would be a felony. The system must also meet certain requirements, such as making these records available to law enforcement agencies, the courts and school officials.

Youth who do not believe that they will be punished for their inappropriate behavior are more likely to repeat their behavior. There is also an increased likelihood that the types of delinquent activities in which they engage will become more serious if they are not appropriately sanctioned. Providing an appropriate sanction for each delinquent act can also be a form of prevention. Juveniles who know their actions have consequences will be less likely to engage in delinquent activities. For example, youth who know there is a probation officer monitoring their compliance with the terms of their probation will be less likely to violate the terms of their probation and engage in additional delinquent activities. Unfortunately at this time many probation officers have a heavy caseload and are unable to monitor the activities of each youth for which they are responsible. By allowing states to use funds to increase the number of probation officers, we can reduce the caseload of individual probation officers and help insure youth abide by the terms of their probation.

It is the view of the Committee that giving States the flexibility to use formula grant funds for accountability, prevention, and programs which provide appropriate sanctions for each delinquent act will allow States to more effectively address juvenile delinquency. It is the further belief of the Committee that these changes will allow the States to reduce the recidivism rate among juvenile offenders.

Prevention block grant—consolidating juvenile justice programs

H.R. 1818 contains a flexible Juvenile Delinquency Prevention Block Grant program to assist States and local communities in their effort to prevent juvenile crime.

Consolidating programs

In creating this block grant, the Committee has eliminated separate categorical programs authorized under current law, including programs for Boot Camps, Mentoring, State Challenge Activities, and Treatment for Juvenile Offenders Who are Victims of Child Abuse and Neglect. These programs were added during the 102nd Congress. Two of these programs, Part F—Treatment for Juvenile Offenders Who are Victims of Child Abuse or Neglect and Part H—Boot Camps, have never been funded. Funding for the Part E—State Challenge Activities and Part G—Mentoring Program received minimal funding. The Committee has also eliminated the separate funding stream for the Part D, Gang-Free Schools and Communities and Community-Based Gang Intervention. It is the view of the Committee that program dollars should be consolidated in order to provide States and local communities with one flexible funding stream to carry out activities to reduce juvenile delinquency.

It is, however, not the intention of the Committee to discourage the types of activities authorized by these programs. Mentoring and the treatment of juvenile offenders who are victims of child abuse and neglect are uses of funds under the new prevention block grant.

H.R. 1818 also modifies the State plan section of the formula grant program to include activities authorized as part of these separate programs. States will now be allowed to use their formula grant funds for activities related to boot camps, mentoring, and the treatment of juvenile offenders who are victims of child abuse and neglect.

The Committee bill also eliminates the authorization for the White House Conference on Juvenile Justice. This conference has never been held and it is the view of the Committee that funds authorized for this purpose would be better used for State and local efforts to combat juvenile crime and to provide direct services to the juvenile population.

Outlining the new juvenile delinquency prevention block grant program

In developing the prevention block grant program, the Committee wanted to make it as flexible as possible to give States and local communities broad discretion to meet their unique needs. As such, there are few State plan requirements. To be eligible to receive funds under this block grant program, States must be participating in the formula grant program and must agree to use 95 percent of the funds they receive to fund local projects. H.R. 1818 also requires States to provide for participation by community-based organizations and organizations in the local juvenile justice system which carry out programs, projects or activities to prevent juvenile delinquency in the development of their plan.

In order to qualify for grants under the new prevention block grant program, eligible entities must apply to a local unit of government which has a plan for preventing juvenile delinquency. If the local unit of government agrees that the proposal set forth by the eligible entity is consistent with their local plan, the eligible entity may submit their application directly to the State or have such application submitted directly by the local unit of government. If the local unit of government submits more than one application to the State, they must submit all eligible applications at the same time in order to prevent the appearance of favoritism.

Because some communities have more serious problems with juvenile crime, the Committee provides for States to give priority consideration to projects in areas where there is a disproportionately high level of serious crime committed by juveniles or a recent rapid increase in the number of non-status offenses committed by juveniles. In addition, priority consideration is provided to those projects or activities which are multidisciplinary in nature. The Committee has witnessed several examples of exemplary delinquency prevention programs and found that one of the keys to their success has been the fact that they are multidisciplinary and meet a variety of the needs of participating youth.

The Committee has outlined a broad range of prevention activities for which funds may be used under the prevention block grant program. Some of these programs are primary prevention programs and others provide for activities for youth already involved in the juvenile justice system. The Committee believes strongly that both types of activities are important and that communities should be able to choose which types of activities meet their specific needs. The Committee does not believe this list includes all of the possible prevention activities which could be undertaken by States and local communities. As such, the Committee allows funds to be used for other activities which local grantees believe are likely to prevent juvenile delinquency.

The Juvenile Delinquency Prevention Block Grant in H.R. 1818 was developed with the intention that funded programs be based on sound, proven crime prevention research whenever possible. Testimony provided during Subcommittee hearings reflected the increased need for juvenile delinquency prevention programs that work. Ms. Jocelyn Harper, representing the Sonoma County Office of Education, commented, "* * * It is imperative that support continue to be provided for preventive and educational measures. Prevention of juvenile crime and gangs is beneficial to our society not only from a financial perspective, but also in terms of individual safety and community well-being." Ms. Teri Schmidet, Interventions Program Coordinator for Circuit Rider Productions testified on the need for "Broader-based prevention strategies that involve community-based organizations, schools and other governmental and non-governmental agencies, involve accountability, setting community standards and involving the whole community in the effort." The Committee believes that prevention programs are most effective in reducing juvenile crime when they incorporate and integrate into these programs the findings of research or which are based on the experience of those individuals who have a history of working with this population. However, the Committee recognizes that more research on juvenile delinquency and the prevention of juvenile delinquency is needed. We encourage the Administrator to continue his efforts in disseminating to States and communities the available research and to continue to fund innovative research, as mentioned earlier in this report.

Because the use of funds is very flexible, the Committee believes there should be strong accountability provisions in place to insure limited federal dollars support effective programs. Local grantees must include in their application the goals such project or activity is designed to achieve. If any entity that receives funds under this part fails to demonstrate, before the expiration of a two-year period, that they have achieved substantial success in achieving their stated goals, they will no longer be eligible to receive subsequent grants to carry out such project or activity. If, however, such grantee requested, and did not receive, technical assistance from the State or Administrator in order to insure the successful outcome of their project, such grantee cannot be denied further grants for such project or activity. The Committee believes that those grantees which understand their project is not achieving its goals and reach out for the assistance they need to improve should be provided such assistance. If they do not, the grantee should not be penalized by the denial of further grant funds.

In conclusion, the Committee believes Washington does not have all the answers to preventing juvenile crime. States and local communities need the flexibility provided under this block grant program in order to effectively prevent juvenile crime. In his testimony before the Committee, Gil Garcetti, District Attorney for Los Angeles, stated, "We at the local level are best able to develop solutions to our unique problems." Similarly, Jim Kester, Juvenile Justice Specialists for the State of Texas stated, "A block grant would enable the State to plan comprehensively and not piece-meal. We believe that block grants will be most successful if Congress sets broad goals and allows states to have flexibility in implementing them." The Committee agrees with these witnesses and has provided them with such flexibility in the new block grant program.

Insuring appropriate treatment of delinquency youth who have been abused

A new State plan requirement addresses the need to insure appropriate interventions for youth who may have public child welfare records. Prevention of delinquent behavior requires early intervention and treatment. Effective treatment relies upon a thorough understanding of the underlying causes of a young person's behavior. Frequently, this behavior can only be understood by a juvenile court when it has full knowledge of a youth's family history. To address this problem, a provision is added to the Act to ensure that when a juvenile is before a court in the juvenile justice system, the court has available all public information on the child that would provide insight into the cause of a child's actions prior to the development of a treatment plan or a judicial decision about the disposition of the juvenile. The State, to the maximum extent practicable, should implement a system to ensure that if a juvenile is before a court in the juvenile system, public child welfare records (including child protective services records) relating to the juvenile that are on record in the geographical area under the jurisdiction of the court will be made known to the court. As long as appropriate care is taken to protect the confidentiality of such records, the Committee believes this new provision will assist in insuring appropriate interventions to prevent such youth's involvement in further delinquent activities.

General streamlining and flexibility

The Committee believes it is very important to provide States with broad flexibility to design programs which meet their own unique needs in addressing problems of juvenile delinquency, especially juvenile crime. As such, the Committee has eliminated many unnecessary State plan requirements and other provisions which limit State flexibility. A number of witnesses testified in support of State and local flexibility. During hearings held during the 104th Congress, Ron Roberts of the San Diego County Board of Supervisors, stated, "I would encourage the Subcommittee to support the elements of this legislation that provide flexibility to design and implement local solutions to local problems."

In addition, the Committee has included language in H.R. 1818 which clarifies the regulatory authority of the Administrator to establish rules, regulations and procedures to the extent necessary to ensure compliance with the specific requirements of Title II or to respond to requests for clarification and guidance relating to such compliance. It is the view of the Committee that the Office of Juvenile Justice and Delinquency Prevention, in the past, has issued regulations which are more prescriptive than the mandates themselves. For instance, while the law requires separate facilities for juveniles and adults, the regulations went much further. For example, Virginia is in the process of building a juvenile facility on the same property as a facility for adults. The facilities are located one quarter of a mile apart. However, Virginia has spent $50,000 to build a hill of dirt on the property to ensure juveniles cannot see the adult facility because the Office of Juvenile Justice and Delinquency Prevention ruled they would otherwise not be in compliance with the mandate. The Committee recognizes the efforts of the current Administrator, Shay Bilchik, who has worked with the juvenile justice community to make major changes to reduce the regulatory burden on States and provide them with additional flexibility in meeting the requirements of the law. However, the Committee wants to insure that future Administrators are keenly aware of the impact of regulations on the ability of States to effectively deal with juvenile crime.

The bill also provides that States, which have their own laws requiring compliance with the mandates on deinstitutionalization of status offenders, separate facilities for juveniles and adults, and sight and sound separation of juveniles from adults when they are held in the same facilities, shall be rebuttably presumed to satisfy the requirements under the Act. The bill does not include the mandate dealing with minority over-representation because this specific mandate already allows the State to design their own efforts to address minority over-representation in the juvenile justice system.

This provision was supported during the 104th Congress by Jerry Kilgore, then the Virginia Secretary of Public Safety, who stated in his testimony before the Committee, "Compliance monitoring and reporting requirements should be reduced for States such as Virginia, with State codes which prohibit the practices for which compliance monitoring is required."

The bill also provides the chief executive officer of each State with greater flexibility in designating the membership of the State advisory group, whose purpose is to advise the State on matters of juvenile justice. H.R. 1818 also requires, for the first time, that the State Attorney General or the State official with primary responsibility for overseeing the enforcement of State criminal laws is to be appointed as a member of the advisory group. The Act further stipulates this individual is to be consulted by the chief executive officer on the selection of other members of the group. The Committee strongly believes the individual in the State, be it the State Attorney General or some other official, who is responsible for overseeing the enforcement of State criminal laws should have a prominent role in planning for activities within the State which address juvenile crime. Their overall knowledge and expertise in this area should not be overlooked.

Finally, the bill reported by the Committee revises a provision in current law dealing with the employment protections extended to employees whose employment may be affected by the assistance provided under the Act. This provision will require States to provide assurances that the assistance provided under the Act shall not cause the displacement (including a partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits) of any currently employed employee, that activities assisted under this Act shall not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement, and that no activity that would be inconsistent with the terms of a collective bargaining agreement will be undertaken without the written concurrence of the labor organization. The Committee bill also contains a new provision which provides that nothing in this Act shall be construed to modify of affect any Federal or State law dealing with the collective bargaining rights of employees.

It is the view of the Committee that this increased flexibility will go a long way in assisting States to develop innovative programs to reduce the incidence of juvenile delinquency.

Use of funds for construction

Under current law, funds may be used with the Administrator's approval for up to 50 percent of the cost of construction of community-based facilities for fewer than 20 persons. H.R. 1818 amends this to allow States, without the Administrator's approval, to use up to 15 percent of the available funds for the purpose or renovating or replacing juvenile facilities. In making this change, the Committee notes the increase in the rate of juvenile incarceration for criminal activities has resulted in many youth being housed in substandard facilities where facilities are inadequate for the number of juvenile offenders in residence and other conditions of confinement fall below acceptable standards. One example is the Del Norte County Juvenile Hall in Crescent City, California, a facility which is over 45 years old and being forced to handle double the number of youthful offenders for which it was designed. There is inadequate security, recreational opportunities, educational resources, and even ventilation in cells. It is the Committee's intent to allow States to use some of their funds to renovate or replace facilities such as the Del Norte County Juvenile Hall.

Prohibition on use of funds

Section 116 of H.R. 1818 provides that funds may not be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime. Justice Department statistics document that of State felony defendants released pending trial, 60 percent were not required to post cash bail. Only 2 in 5 were released under terms requiring a financial surety. One-third of State felony defendants are either re-arrested for a new offense before trial or fail to appear in court as scheduled. Yet, of those already on pretrial release, 56 percent are released again when arrested on new felony charges. Those on secured release are far more likely to come back to court and answer the charges against them than those released on their own recognizance. Furthermore, more people are re-arrested while out on free release than when out on secured release. With cash bail, private industry is monitoring defendants, bearing a cost normally borne by taxpayers. The Committee thus believes that funds available under the Act should not be subsidizing in any way the unsecured release into the community of juveniles charged with crimes of violence.

Research, evaluation, demonstration and statistical functions of the Office of Juvenile Crime Control and Delinquency Prevention

The Committee has provided for a consolidation of the research/evaluation and statistical functions currently performed by OJJDP under Part C authority, by OJJDP's Research and Program Development Division, by the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS), respectively. This consolidation is designed to enhance efficiency and eliminate duplication in the performance of these functions. While OJJDP has done an excellent job in these areas, particularly in the statistics area, with limited resources, more can be accomplished, particularly as resources are increased to support State and local programs. It is the Committee's expectation that the Office of Juvenile Crime Control and Delinquency Prevention (OJCCDP) will work closely with NIH and BJS in setting the research/evaluation and statistics agendas, combining OJCCDP's unique programmatic expertise with the technical skills and resources of NIJ and BJS. Once the purposes and goals are identified, these Office of Justice Programs bureaus could either carry out the identified activities directly or use assistance awards or contracts with eligible entities to carry out these functions. In addition, OJCCDP is authorized, with the approval of the Assistant Attorney General of the Office of Justice Programs, to use the services of any other Federal agency or entity, to carry out the research/evaluation and statistics functions. The Committee expects that OJCCDP will maintain qualified staff to plan, identify and oversee the performance of these functions and that the Administrator will continue to fund and administer existing research, evaluation, and statistics assistance and contract awards until the current project or activity has been completed. This will insure that the current expertise, project knowledge, and commitment to the successful completion of these projects is maintained.

The Committee has also provided a new authority for the Administrator to carry out projects for the development, testing and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. It is the view of the Committee that the existing demonstration program was not responsive to changes in the nature of juvenile crime. In fact, the funds were often tied to a set of activities which had to be funded each year regardless of the needs of communities looking for effective initiatives to address juvenile crime. The Committee believes the new Part E demonstration program will provide the Administrator with the flexibility to test a wide range of activities and provide communities with an array of program models they can use to prevent juvenile delinquency.

While the Committee is restructuring the range of activities carried out by the Administrator to provide greater flexibility in the types of programs and activities which are funded, it would like to note that some of the current programs and activities have been effective in their efforts to address juvenile crime. Clay Hollopeter, Executive Director, Boys and Girls Club, El Monte, California stated that the Director of the Office of Juvenile Justice and Delinquency Prevention needed to target programs that really work. He said, "The present Administrator, Shay Bilchik, is performing very well, but needs to be allowed to target resources on programs that really work."

There are several organizations, such as Parents Anonymous which have made effective use of funds under this Act. Parents Anonymous has used funds under this act to develop partnerships with local communities to build and support strong, safe families and help break the cycle of abuse and, ultimately, delinquency. They have also used such funds to provide necessary training and technical assistance to state and local affiliates and to develop and expand their services. Similarly, the Hamilton Fish Institute has created local partnerships of schools, public safety officials, community organizations, and researchers to develop and field test violence reduction strategies. Such strategies are based on reviews of federal, state and local efforts to reduce youth violence and assessments of the local circumstances and needs. The Committee would also like to highlight the efforts of the University of Medicine and Dentistry of New Jersey (UNDNJ) and its Violence Institute, which capitalizes on the unique institutional resources at UMDNJ and program within the larger community to address the full panoply of violence: from research to discovering basic causes, to a series of programs designed to prevent the spread of violence and the devastating effect on its victims. The Committee is also impressed by the research and programmatic efforts of the Consortium on Children, Families and the Law, a multi-university initiative that should be looked upon as a resource in the prevention and treatment of youth violence, the examination of the impact of policies and practices currently guiding the juvenile justice system, and the development of alternatives for improving the legal system as it relates to children and families. Activities such as these as well as others carried out by organizations such as the National Center for Neighborhood Enterprise, the National Council of Juvenile and Family Court Judges, the National Collaboration of Youth and the National Recreation and Park Association have merit. The Committee urges the Office of Juvenile Crime Control and Delinquency Prevention to consider the benefit of continuing support for such activities under its new authority.

Grants to otherwise eligible organizations

H.R. 1818 also provides that nothing in Titles I or II of the Act is to be construed to prevent financial assistance from being awarded through grants to any otherwise eligible organization. The purpose of this language is to clarify that faith-based organizations should not be refused funding because they have a religious affiliation. As long as participants in activities carried out by such organizations are not required to participate in secular activities as a condition of participation (or to be affiliated with a specific religion), the Committee believes such organizations are well qualified to provide quality delinquency prevention and intervention services.

Pat Nolan, President of Justice Fellowship, the public policy arm of Prison Fellowship Ministries, cited Teen Challenge, a faith-based juvenile offender ministry headquartered in Springfield, Missouri: "A 1975 federal government study of Teen Challenge documented that seven years later 70 percent of graduates of the program had not gotten into trouble. Another study showed 67 percent of Teen Challenge graduates abstained from alcohol and drugs. These statistics show that faith-based programs are the one activity proven to change young lives for the better."

Clarification of modification to definitions

The changes to the definitions of "secure detention facility" and "secure correctional facility" are designed to exclude facilities that house only non-offender juveniles from these statutory definitions. Shelter facilities that house these juveniles, who range in age from newborns to age 18, may have construction features designed to restrict the movement of children in these facilities for their own safety and protection. It is not Congress' intent to prohibit the use of dedicated facilities for these children even where they might otherwise be classified as secure. However, where a hardware secure facility houses juvenile offenders, whether status or delinquent, it continues to be defined as a secure detention or correctional facility subject to the core requirements of the Act. It is our expectation that, with this clarification, the Office of Juvenile Crime Control and Delinquency Prevention will take steps to provide that its regulatory 24-hour hold exception to the current Section 223(a)(12)(A) deinstitutionalization requirement applies only to status offenders and does not apply to non-offenders. It is the Committee's view that non-offenders, such as abused and neglected children, should never be placed in any type of secure facility where they are in contact with juvenile offenders.

Need for coordination

The Committee has eliminated the requirement for an independent Coordinating Council on Juvenile Justice and Delinquency Prevention. This is far from an indication that there is not a need to coordinate existing efforts to prevent and control juvenile delinquency. Rather, it is an indication that there is not the need for a formal independent organization in the executive branch of the Federal Government to serve this function.

On March 6, 1996 the General Accounting Office issued a report entitled "At-Risk and Delinquent Youth: Multiple Federal Programs Raise Efficiency Questions." This report found that the Federal government currently has 131 programs, administered by 16 different departments and other agencies, that may be used to benefit at-risk or delinquent youth. For programs for which GAO was able to obtain funding data (109 programs, or 83 percent), total estimated appropriations used for youth in fiscal year 1995 exceeded $4 billion. The report further stated, "The current system of federal programs for at-risk or delinquent youth creates the potential for overlap of services. Our analysis showed that, in many cases, it was possible for two or more programs to provide similar services to the same target group."

Obviously there is the need to coordinate efforts to address the needs of at-risk and delinquent youth in order to prevent overlap and duplication. As such, the Committee has amended Section 204 of current law, Concentration of Federal Efforts, to allow the Administrator to require Federal departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide the Administrator with such information "as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency."

Should the Administrator choose to carry out this responsibility through the creation of an informal coordinating council, nothing in this Act would prevent the Administrator from taking such action.

RUNAWAY AND HOMELESS YOUTH

In recent years, there have been many proposals to consolidate RHYA, TLP and DEPP into one comprehensive program for runaway and homeless youth. The current law configuration of three separate funding streams has proven to be piecemeal, unnecessary and duplicative. There has been agreement that consolidation would significantly reduce the burden of grant applications and administration for agencies serving runaway and homeless youth. Additionally, local communities need and want greater flexibility in designing services to this target population. The Committee report accompanying the Labor, Health and Human Services, and Education Appropriations bill for fiscal year 1996 directly addressed the need for a consolidated authorization by stating "The budget request proposed to consolidate these programs; the (Appropriations) Committee has not done this because it is not authorized by law." The need for consolidation of these programs was additionally part of their rationale in defunding the Drug Education Prevention Program. "The elimination of small categorical programs also saves Federal administrative costs, and reduces bureaucratic paperwork and grant forms that must be filled out by the local providers." Additionally, both the Bush and Clinton administrations' have proposed consolidation of these programs.

While the desire to consolidate the funding streams has been non-controversial, the Committee has taken special steps to preserve the distinct differences between the basic center grants and transitional living programs and in particular, not to administer funds for both programs under a single formula allocation. In testimony before the Committee in the 104th Congress, James Braun, President and CEO of Youth in Need, St. Charles, MO stated:

> The care of runaways and helping homeless youth transition to productive adulthood cannot and should not be provided under the same program. Consequently, transitional living programs for older homeless youth, while part of the continuum of services, should remain distinct from the basic centers program * * * I would urge that any streamlining of RHYA avoid blending, and thus weakening, these distinct short term and long term services.

The Committee, working in conjunction with the Department of Health and Human Services, constructed legislation that directly addresses the consolidation concerns. The legislation consolidates the authorization for the current Runaway and Homeless Youth, Transitional Living for Homeless Youth, and the Drug Education and Prevention for Runaway and Homeless Youth programs into a single funding stream, while retaining the formula based allocation for basic center grants and the national competitive process for transitional living grants. The Runaway and Homeless Youth Program will continue to provide grants to local public and private organizations to establish and operate local runaway and homeless youth centers to address the crisis needs of runaway and homeless youth and their families. Grants will continue to be used to develop or strengthen community based centers which are outside the law enforcement, juvenile justice, child welfare and mental health systems. Additionally, home-based, street-based and drug education and prevention activities are all allowable uses of funds under the basic center grants. The Runaway and Homeless Youth Act continues to require that 90 percent of the program funds be used to establish and operate Basic centers and transitional living programs which meet the immediate needs of runaway and homeless youth. Basic center grants would continue to be allotted among the States based on each State's population under 18 years of age. Applications for basic center grants are selected for funding through a competitive review process based on each State's allocation of funds under the formula.

The Transitional Living Program would no longer have a separate funding stream, but would continue to receive no less than 20% and no more than 30% of the appropriation. The Transitional

Living grants will continue to be awarded by the Secretary on a national competitive basis.

Despite the fact that the Drug Education and Prevention Program (DEPP) did not receive funding in FY '96 and FY '97, the Committee recognizes the importance of drug education and prevention among the runaway and homeless youth population and continues to make it an allowable use of funds under the basic center grants.

In addition to the funds which directly support basic centers and temporary shelters for runaway and homeless youth, approximately 10 percent of the funds in each of the past five years have been used to fund projects which support and strengthen the work of the shelters. These include: the national toll free runaway and homeless youth hotline, training and technical assistance activities; research and demonstration projects; and methods to improve program administration, outreach, and prevention activities among local shelters. Though earmarks for funding of particular programs were consolidated throughout the legislation, the Committee strongly supports the continuation of these type of activities, such as, the national toll free hotline.

The Committee bill corrects several legislative drafting errors from the previous authorization. One of the most substantive corrections is to the Grants for Prevention of Sexual Abuse and Exploitation. This program was included in the Violent Crime Control and Law Enforcement Act of 1994 as an amendment to the Runaway and Homeless Youth Act. The amendments were not executed because of incorrect section references. This program allows the Secretary to make grants to private non-profit agencies for street based outreach and education including treatment, counseling, information and referral to runaway, homeless and street youth who are at risk of sexual abuse. Despite the drafting error, the program did receive $5.5 million in funding in FY '96 and $8 million in FY '97 from the Violent Crime Trust Fund. In correcting the technical errors, it is the intent of the Committee that this program continue to receive funding from the Violent Crime Trust Fund. The authorization is updated to the year 2001 at "such sums."

The Committee bill significantly improves the operation and effectiveness of the RHYA by streamlining the Act; reducing the number of separately authorized programs; removing duplicative provisions, and improving the organization of the Act. It changes reporting requirements and requires HHS to submit a biennial (instead of annual) report to Congress. Additionally, the bill repeals the separately authorized Temporary Demonstration Projects to Provide Services to Youth in Rural Areas which has never received an appropriation. The bill highlights the need for runaway and homeless youth services in rural areas in the "findings" section of the text. The authorization of the Act is updated to the year 2001 and authorized at "such sums".

The Act has been successful in helping to meet the needs of runaway and homeless youth. The Committee amendments will help to strengthen these activities and protect youth by keeping them off the streets, away from criminal activities and out of desperate circumstances. The Committee hopes that these programs will continue to focus on youth with the greatest need for these services and continue to reunite youth with their families.

MISSING CHILDREN'S ACT

Title V of the Juvenile Crime Control and Delinquency Prevention Act makes an amendment to The Missing Children's Assistance Act to provide a separate authorization of $5 million per year for Fiscal Years 1998–2001 for the National Center for Missing and Exploited Children (NCMEC). For thirteen years, NCMEC has successfully served as the national resource center and clearinghouse under the Missing Children's Assistance Act. Every three years it has successfully competed for a grant award from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and in FY '97 was awarded $4.2 million. The Center has worked in partnership with the U.S. Justice Department, U.S. Treasury Department, and the U.S. State Department and other agencies in the effort to recover missing children and to help prevent all children from victimization.

Since 1984, NCMEC has assisted in the recovery of more than 35,000 children worldwide, and handled more than one million calls through its 24 hour toll free hotline. It has trained more than 135,000 professionals, and disseminated 14 million free publications to citizens and professionals. In 1997, the Center, in partnership with the Office of Juvenile Justice and Delinquency Prevention and the FBI, launched a program to train local law enforcement on how to properly respond to missing children cases.

Due to the increasing tragedies involving child victims, the Committee believes that we must continue to support the Center and the efforts to locate and recover missing children and help to prevent child abductions, molestation and sexual exploitation.

In the 104th Congress, the Committee extended the authorization of the Missing Children's Act through the year 2001.

SECTION BY SECTION ANALYSIS

Section 1. Short Title; Table of Contents. Cites the short title as "Juvenile Crime Control and Delinquency Prevention Act of 1997" and provides a table of contents.

TITLE I—AMENDMENTS TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Section 101. Findings. Sets forth the findings of the Juvenile Crime Control and Delinquency Prevention Act.

Section 102. Purpose. Sets forth the purpose of the Juvenile Crime Control and Delinquency Prevention Act of 1974.

Section 103. Definitions. Modifies and adds to the definitions under this Act.

Section 104. Name of Office. Renames the Office of Juvenile Justice and Delinquency Prevention as the Office of Juvenile Crime Control and Delinquency Prevention.

Section 105. Concentration of Federal Effort. Revises the duties of the Administrator.

Section 106. Coordinating Council on Juvenile Justice and Delinquency Prevention. Eliminates the Council.

Section 107. Annual Report. Amends the required content of the Annual Report by requiring an evaluation of the effectiveness of programs funded in the Title.

Section 108. Allocation. Makes technical corrections to Section 222 of the Juvenile Justice and Delinquency Prevention Act.

Section 109. State Plans. Revises the makeup, qualifications and duties of State advisory groups. Amends or eliminates specific state plan requirements. Modifies the list of activities eligible for funding under the formula grant program.

Section 110. Juvenile Delinquency Prevention Block Grant Program. Establishes the Juvenile Delinquency Prevention Block Grant. Sets forth the allocation of funds, state plan requirements and criteria and eligibility for grants for local projects. Repeals Part C (National Programs), Part D (Gangs), Part E (State Challenge Activities), Part F (Treatment of Juvenile Offenders Who Are Victims of Child Abuse or Neglect), Part G (Mentoring), Part H (Boot Camps), and the first sub-part of Part I (White House Conference on Juvenile Justice).

Section 111. Research; Evaluation; Technical Assistance; Training. Authorizes research, training, technical assistance and information dissemination regarding juvenile justice matters through the Office of Juvenile Crime Control and Delinquency Prevention..

Section 112. Demonstration Projects. Permits the Administrator to award grants for developing, testing, and demonstrating new initiatives and programs for the prevention, control or reduction of juvenile delinquency.

Section 113. Authorization of Appropriations. Authorizes such sums as may be appropriate to carry out Title II of this Act.

Section 114. Administrative Authority. Modifies the section of current law outlining the Administrator's authority to establish rules, regulations, and procedures.

Section 115. Use of Funds. Modifies current law to permit up to 15% of funds from a State's allocation to be used for replacement or renovation of facilities.

Section 116. Limitation on Use of Funds. Adds a new section to title II of current law to prevent funds from being used to support the unsecured release of juveniles charged with a violent offense.

Section 117. Rules of Construction. Adds a new section to title II of current law to clarify that nothing in titles I or II or the law is to prevent otherwise eligible organizations from receiving grants or to modify or affect existing Federal or State laws related to collective bargaining rights of employees.

Section 118. Leasing Surplus Federal Property. Permits the Administrator to receive surplus federal property and lease it to eligible entities for uses as juvenile facilities or to use for delinquency prevention and treatment activities.

Section 119. Issuance of Rules. Allows the Administrator to issue rules to carry out the title.

Section 120. Technical and Conforming Amendments. Sets forth technical and conforming changes.

Section 121. References. Establishes that any references to the Office of Juvenile Justice and Delinquency Prevention or the National Institute of Juvenile Justice and Delinquency Prevention are deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH

Section 201 amends the findings in Section 302 of the Runaway and Homeless Youth Act.

Section 202 amends Section 311 of the Runaway and Homeless Youth Act. It gives the Secretary authority to make grants to public and nonprofit private entities to provide services for runaway and homeless youth and their families. Additionally, it defines the services which may be provided under the Runaway and Homeless Youth Act.

Section 203 amends the eligibility and reporting requirements under Section 312 of the Runaway and Homeless Youth Act. This section includes technical changes and specifically lists reporting requirements that applicants must submit to the Secretary. It lists the services which an applicant must plan to provide in order to use grant money for street-based services, home-based services and for drug abuse and prevention services.

Section 204 amends Section 313 of the Runaway and Homeless Youth Act, stating that the Secretary may take into consideration the geographical distribution of proposed services and the areas in the State that have the greatest need for such services. It also continues to require the Secretary to give priority to eligible applicants that are experienced in providing services to runaway youth and to grant applications that are less than $200,000.

Section 205 makes technical changes to Section 321 of the Runaway and Homeless Youth Act.

Section 206 amends the eligibility requirements for the Transitional Living Grant Program under Section 322(a)(9) of the Runaway and Homeless Youth Act, by stating that the annual report submitted, by grant applicants, to the Secretary must include statistical summaries describing the number and characteristics of the services provided to the homeless youth under the Transitional Living Program.

Section 207 amends Section 343, grants for research, demonstration and service projects. It also strikes home-based and street-based services from the research and demonstration projects.

Section 208 repeals Section 344, Temporary Demonstration Projects to Provide Services to Youth in Rural Areas of the Runaway and Homeless Youth Act.

Section 209 makes technical corrections to the Sexual Abuse Prevention Program, Section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 and extends the authorization of the program through the year 2001.

Section 210 amends Section 371, Assistance to Potential Grantees, of the Runaway and Homeless Youth Act, by striking the last sentence in Section 371.

Section 211 amends Section 381 of the Runaway and Homeless Youth Act. It requires that no later than April 1, 1999 and in two year intervals thereafter, the Secretary must submit a report, to the House Education and the Workforce Committee and the Senate Judiciary Committee on the status and activities of the grantees who are awarded grants under this Act. Section 381 lists specific information that must be included in the report. Additionally, this section requires the Secretary to include in the report summaries of the Secretary's evaluations of grantees and descriptions of the qualifications and training of the individuals administering the evaluation.

Section 212 amends Section 384 of the Runaway and Homeless Youth Act to address Evaluation and Information by the Secretary. It directs the Secretary to conduct on-site evaluation if a grantee received grants under Parts A, B, C, D, or E for three consecutive years. It further stipulates the purposes of the on-site visits and requires that the recipients of the grants, under this Title, shall cooperate with the Secretary's efforts to carry out evaluations and collect information.

Section 213 amends Section 385, the authorization of the Runaway and Homeless Youth Act and authorizes appropriations for fiscal years 1998, 1999, 2000 and 2001. Additionally, it directs how the appropriation shall be divided among the programs and redesignates Section 385 as Section 389.

Section 214 inserts a new Section 385 giving the Secretary the authority make a single announcement on the availability of funds and to implement a single consolidated application review process.

Section 215 inserts a new Section 386 which contains the definitions for this title.

Section 216 redesignates particular sections of the Runaway and Homeless Youth Act.

Section 217 contains technical amendments.

TITLE III—REPEAL OF TITLE V RELATING TO INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Section 301 repeals Title V, Incentive Grants for Local Delinquency Prevention Programs of the Juvenile Justice and Delinquency Prevention Act.

TITLE IV—GENERAL PROVISIONS

Section 401 Effective Date; Application of Amendments. This Act takes effect upon enactment and amendments made by this Act apply to fiscal years beginning after September 30, 1997.

TITLE V—MISCELLANEOUS AMENDMENTS

Section 501 provides an authorization of $5,000,000 for the National Center for Missing and Exploited Children for each fiscal year through the year 2002.

EXPLANATION OF AMENDMENT

The Amendment in the Nature of a Substitute is explained in this report.

OVERSIGHT FINDINGS OF THE COMMITTEE

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

GOVERNMENT REFORM AND OVERSIGHT

With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 1818.

COMMITTEE ESTIMATE

Clause 7 of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 1818. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

CONSTITUTIONAL AUTHORITY

The Juvenile Justice and Delinquency Prevention Act of 1974 and the amendments made thereto by H.R. 1818, are constitutional under the spending clause of the Constitution, article I section 8, clause 1.

APPLICATION OF LAW TO LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. This bill provides funds to States for programs and services to eligible recipients; the bill does not prohibit legislative branch employees from otherwise being eligible for such services.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act requires a statement of whether the provisions of the reported bill include unfunded mandates. The Committee received a letter regarding unfunded mandates from the Director of the Congressional Budget Office and as such the Committee agrees that the bill does not contain any unfunded mandates. See infra.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 2(l)(3)(B) of rule XI of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 2(l)(3)(C) of rule XI of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1818 from the Director of the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, June 24, 1997.

Hon. William F. Goodling,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts for federal costs are Mark Grabowicz and Dorothy Rosenbaum. The CBO contact for the state and local impact is Leo Lex.

Sincerely,

James L. Blum
(For June E. O'Neill, Director).

Enclosure.

H.R. 1818—Juvenile Crime Control and Delinquency Prevention Act of 1997

Summary: H.R. 1818 would authorize such sums as may be necessary for each of fiscal years 1998 through 2001 for juvenile delinquency prevention block grants, runaway and homeless youth grants, and related programs.

Assuming appropriations of the necessary funds, CBO estimates that enacting H.R. 1818 would result in additional discretionary spending of between $800 million and about $850 million over the 1998–2002 period. The bill would not affect direct spending or receipts, so pay-as-you-go procedures would not apply. H.R. 1818 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would not impose any costs on state, local, or tribal governments.

Estimated cost to the Federal Government: For the purposes of this estimate, CBO assumes that the amounts estimated to be authorized by the bill will be appropriated by the start of each fiscal year and that outlays will follow the historical spending rates for these programs. Because H.R. 1818 would authorize such sums as necessary for the affected programs, CBO prepared two sets of estimated authorization levels, representing continued funding for these programs at current levels of appropriations, both with and without adjustment for anticipated inflation.

One program, the Sexual Abuse Prevention Program, is currently authorized at $15 million for fiscal year 1998 under the Violent Crime Control and Law Enforcement Act of 1994. The bill would repeal that authorization and newly authorize it at such sums as may be necessary for fiscal years 1998 to 2001 as a new part of the Runaway and Homeless Youth Act. For this program, CBO estimates no change in the authorized level for fiscal year 1998. (Using that existing authorization level for 1998 results in a total level of estimated authorizations for 1998 that is slightly higher than total appropriation amounts for 1997.)

The estimated budgetary impact of H.R. 1818 is shown in the following table.

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Authorization level [1]	242	15	0	0	0	0
Esimated outlays	165	190	112	63	0	0
WITHOUT ADJUSTMENT FOR INFLATION						
Proposed changes:						
Estimated authorization level	0	234	249	249	249	0
Estimated outlays	0	39	128	186	249	206
Spending under H.R. 1818:						
Estimated authorization level [1]	242	249	249	249	249	0
Estimated outlays	165	229	240	249	249	206
WITH ADJUSTMENT FOR INFLATION						
Proposed changes:						
Estimated authorization level	0	239	261	268	275	0
Estimated outlays	0	40	131	195	265	223
Spending under H.R. 1818:						
Estimated authorization level [1]	242	254	261	268	275	0
Estimated outlays	165	230	243	258	265	223

[1] The 1997 level is the amount appropriated for that year.

The costs of this legislation fall within budget functions 750 (administration of justice) and 500 (education, training, employment, social services).

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: H.R. 1818 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. In addition to replacing a number of juvenile justice programs with a juvenile delinquency prevention block grant, the bill would change some conditions of aid for state and local governments receiving funds for juvenile delinquency, runaway and sexual abuse programs.

Estimated impact on the private sector: H.R. 1818 would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal costs: Mark Grabowicz and Dorothy Rosenbaum. Impact on State, local, and tribal governments: Leo Lex.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

DISSENTING VIEW

I. INTRODUCTION

Juvenile crime is a problem that should concern all Americans. As a doctor of obstetrics I have enjoyed the privilege of bringing more than 3,000 new lives into the world, I know there are few things more tragic than when a young person disregards the rights of their fellow citizens and jeopardizes their own future by engaging in criminal activity. Furthermore, as the number and severity of crimes committed by juvenile offenders increase, juvenile crime becomes a greater threat to the social order.

Therefore, no one can argue the need for action taken to discourage juveniles from embarking on criminal careers. However, the voluntary actions of private individuals, supported by local communities and state governments, are much more capable of preventing juvenile crime than the federal government. Individuals acting at the local level know the needs of the youths in their community much better than Washington bureaucrats, so they can best develop programs that effectively prevent children from engaging in criminal activity.

Unfortunately, the Juvenile Crime Control and Delinquency Prevention Act (H.R. 1818) furthers Congress' unconstitutional interference in crime control and prevention by dictating the nature and shape of juvenile crime programs for each of the fifty states. Therefore, Congress should reject H.R. 1818 and instead repeal all mandates that interfere with the states' sovereign right to conduct juvenile prevention programs, and defund all federal crime control and prevention programs, in order to return money and, at the same time authority, for juvenile crime prevention where it constitutionally belongs to "the States or to the people."

II. OBJECTIONS TO THE PART B (FORMULA) BLOCK GRANT

H.R. 1818 provides states with two federal block grants for juvenile crime, a formula (part B) grant and a prevention (part C) grant. Some proponents of the act claim that this bill is worthy of support as it loosens the chains on state juvenile prevention programs imposed by previous Congresses. However, any federally-imposed mandate, no matter how "flexible," violates the tenth amendment to the United States Constitution.

The tenth amendment limits the federal government to those functions explicitly enumerated in the Constitution. Other than in these few areas, the states are sovereign. Therefore the federal government has no authority to finance or manage state programs regarding social problems such as juvenile crime.

Block grants may appear to allow for greater state autonomy than programs directly controlled by Washington, but they still involve federal control and, more importantly, financing. Taxing the people of Texas to pay for programs in New York or Montana is an insult to the Constitution and the donor states.

Under the Part B mandate, states must comply with four "core" federal mandates to receive federal tax dollars. The federal government would have the power to reduce a state's funding if a state failed to comply with one of these mandates. When the federal government assumes the power to reduce funding according to that state's level of compliance with the federal mandates, it transforms the relationship between the states and the federal government from one of two sovereign entities into one resembling that of a teacher scolding a disobedient pupil.

Furthermore, federal mandates employ a "one-size-fits-all" model, which ignores differences between individual states and between various areas within a state. For example, there may be areas that will incur tremendous costs in removing a juvenile from an adult facility within forty-eight hours. Complying with this federal mandate may thus divert an area's resources from other projects that may better serve the needs of that particular jurisdiction's youth.

H.R. 1818 also lists permissible uses for which the states may expend their federally-provided funds. One of these permissible uses of federal funds is for programs aimed at preventing "hate crimes" by juveniles. Preventing crimes based on prejudice is certainly a worthy goal, however, by punishing certain crimes more harshly than others because of this motivation, the government is, in effect, punishing people for holding certain views. Punishment for one's thoughts, as distinct from one's actions, is in conflict with the Constitutional guarantees against government restrictions on freedom of speech and thought. Federal tax monies certainly should not be spent to encourage localities to disregard the first amendment in the name of crime control.

H.R. 1818 also encourages states to create a system of records for juvenile criminals similar to that kept by each state on adult criminals, including the transmission of those records to the FBI. Given the recent controversy over the misuse of FBI files, all citizens should be wary of expanding the records kept on private citizens by the FBI, particularly given the conspicuous lack of language in the bill guarantying that someone who committed a crime as a juvenile but reformed oneself to become a respected member of the community will not be haunted by his past because some vengeful person acquired his FBI file.

III. OBJECTIONS TO THE PART C (PREVENTION) BLOCK GRANT

H.R. 1818 also provides states with a second block grant, not contingent upon compliance with the four federal mandates. Under this block grant, states distribute their funds to local governments and private organizations to run prevention programs. While states do not have to comply with any specific federal mandates to receive these funds, they do have to submit a plan to the Federal Government for approval.

States may distribute funds only to those local governments that have taken the time and effort to prepare a "comprehensive plan" for combating juvenile crime. Organizations with prevention programs that wish to receive federal funding must submit a plan to their local unit of government. Organizations must meet the goals of the local plan and include the goals of the program, the means of measuring their goals, and any research relied upon in developing their application. Before they can begin serving children, after the local government approves the plan, it must be submitted to the state government for approval. If the state government approves the plan, the operations may begin. Surely, states, communities, and local citizens could design a less bureaucratic system to help get funds to worthy programs serving juveniles than the system outlined in this bill.

Among the organizations that may apply for funding under H.R. 1818 are faith-based organizations. I have little doubt that instilling a child with a deep and abounding faith is, second to a loving family, the best way to ensure that child refrains from criminal activities. However, allowing faith-based organizations access to federal taxpayer dollars may change those organizations into lobbyists who will compromise their core beliefs rather than risk alienating members of Congress and thus losing their federal funds. Thus, allowing faith-based organizations to receive federal funds may undermine both future attempts to reduce the federal role in juvenile crime and undermine America's tradition of non-establishment of religion.

IV. CONCLUSION

The drafters of the Bill of Rights knew quite well that it would be impossible for a central government to successfully manage juvenile prevention programs for as large and diverse a country as America. The founders also understood that federal involvement in crime prevention and control would lead to a loss of precious liberty.

The current system, of sending money to Washington, only to return it, in part, to the states, local communities, and individual citizens, serves only to drain resources away from those best able to create and manage effective juvenile crime programs: people at the local level who know best the needs of the children in that area.

Forcing states to comply with federal mandates and forcing local providers to comply with federal paperwork requirements is a further waste of valuable resources that could be used to directly benefit the area's youth.

H.R. 1818 insults the constitutional sovereignty of the individual state, and continues federal involvement in crime prevention and control. Therefore, all Representatives who support the federal system as specified in the original Constitution should oppose the Juvenile Crime Control and Delinquency Prevention Act.

RON PAUL.

MINORITY VIEWS

I. INTRODUCTION

Traditonally, the Majority and Minority of this Committee have held strongly different views on crime prevention and the motivations for why people commit crimes. Democrats have advocated for primary prevention efforts with the specific aim of providing intervention before a juvenile encounters the justice system. In our view, intervention aimed at steering juveniles away from criminal activity will lessen the future burden on our social welfare and criminal justice systems, and it ensures that more of our young people become productive and successful adults. Our Republican colleagues have often sought to construct a system that deals mainly with the post-adjudication phase of a juvenile's contact with the justice system. Encompassed in this approach has been a heavy emphasis on sanction-based methods with little significance given to intervention before a juvenile encounters law enforcement as the consequence of a delinquent act.

During the 104th Congress, the process the Majority used to craft reauthorization of the Juvenile Justice and Delinquency Prevention Act ("the Act") was unduly partisan and one-sided. H.R. 3876 eliminated and severely weakened many of the most effective provisions of current law. Particularly, the effectiveness of the four core mandates, which will be discussed in a later section, was significantly reduced. Additionally, H.R. 3876 eliminated the Act's only labor provision that merely provides that taxpayers funds will not be used to undermine existing State labor standards. Strong disagreements over this issue led to a complete breakdown in deliberation over the reauthorization bill.

Fortunately, thus far in the 105th Congress, we have witnessed a willingness by the Majority to construct legislation aimed by producing well-founded public policy. H.R. 1818 reflects this welcome spirit of bipartisanship. The cosponsorship by two of the Committee's Democratic leaders on juvenile justice is evidence of this new tenor.

Despite the many hours of bipartisan Member and staff discussions which produced this truly balanced legislation, the Majority Committee report does not keep its focus squarely on the issue of reducing juvenile crime. In fact, there are times when the Majority expressed rhetoric as though it were fact concerning the need for changing the Act, thus undermanning the bipartisan nature of this legislation. We acknowledge the changing trends in juvenile crime, but we cannot endorse the use of such terms as "superpredator" to describe the youth who are driving these trends.

The Minority supports both prevention and accountability as important themes in this legislation, precisely because the focus of this legislation is to reduce the number of children and youth who commit acts of violence. We can disagree about whether prevention programs are more effective in reducing crime than systems of accountability, but we cannot condone comparing children with animals, nor can we agree to a discussion on the moral values of these children, until the Majority acknowledges the social and economic causes of youth violence.

II. CHANGE IN FUNDING TIED TO COMPLIANCE WITH THE CORE MANDATES

Under the current statute, States are required to comply with the four core mandates of the Act in order to receive 100% of their funding. This structure ensured compliance by the States with these mandates and provided the basis for safe and equitable circumstances under which juveniles encounter the justice system.

This bill would modify the percentage of funding provided for compliance with the core mandates. States would be provided 50 percent of their funding as a base amount and an additional 50 percent based on compliance with the four core mandates. While this change restructures the compliance provisions in the current statute, it should not be viewed by the States as a need, or a license, to lessen their commitment to maintaining the integrity of these mandates. Rather, this modification is a clear signal that the committee has closely scrutinized these mandates and has put a new emphasis on flexibility in complying with the statute. We wanted to make certain that, in addition to funds for compliance with the statute. We wanted to make certain that in addition to funds for compliance with the core mandates, there remains equal funding to carry out the Act's true purpose—the prevention of juvenile delinquency.

III. CORE MANDATES

DEINSTITUTIONALIZATION OF STATUS OFFENDERS

When the Act was first enacted 23 years ago,a major focus was the deinstitutionalization of status offenders (DSO). The DSO mandate, adopted as part of the Act, prohibits States from placing status offenders (i.e. youth who commit offenses that would not be crimes if committed by an adult, such as running away from home, truancy, curfew violations or incorrigibility) and nonoffenders (i.e., abused and neglected children) in jails or other secure facilities. Over the years, States have moved dramatically from a punishment-oriented, institution-dominated approach to the establishment of critically needed community-based programs. These treatment-oriented programs give law enforcement and the juvenile courts alternatives to locking up noncriminal youth. But even more importantly, status offenders are provided supervision and services, rather than exposure to more serious juvenile offenders. Research has shown that the deeper a youth penetrates the juvenile justice system, the more likely it is that he or she will fall back into criminal behavior.

Despite the fact that most runaway youth are fleeing physical or sexual abuse, the notions that status offenders are disobedient minors and that truancy and running away are the first predictors of future delinquency are re-emerging.

In deciding whether the DSO mandate should continue as a condition of receiving federal funds, the Committee properly deferred to juvenile justice practitioners. At the May 21, 1997, Committee hearing, Representative Robert "Bobby" Scott (D–VA) asked the witnesses[1] whether current law should be changed to permit detaining status offenders. All six witnesses responded "no". The witnesses further agreed that even temporary confinement in a secure facility for the child's protection" was unnecessary. This testimony, coupled with our strong aversion to punishing children for having been victims, led to the Committee's retention of the DSO mandate.

DISPROPORTIONATE MINORITY CONFINEMENT (DMC)

The mandate requiring States to reduce the disproportionate number of minorities confined in secure facilities is undoubtedly the weakest, but the most misinterpreted of the four core requirements. In response to research demonstrating the existence of substantial racial disparity within the juvenile justice system, Congress amended the Act in 1992 to include the disproportionate minority confinement mandate (DMC). Under the Act,the DMC mandate requires States to "address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population."

Many States correctly interpreted this mandate as requiring them to address the causes of minority overrepresentation, if present. Other States, however, misinterpreted DMC as requiring the release of minority juveniles in order that their numbers in secure confinement would not exceed their numbers in the general population. Only Maine and Vermont found no DMC problem in their respective States.

In retaining the DMC requirement, the Committee bill sought to strengthen and clarify the objective of this important core requirement. The Committee bill requires States to reduce disproportionate minority confinement by addressing both "delinquency prevention efforts and system improvement efforts." At the same time, the bill expressly states that DMC does not require "numerical standards or quotas."

A major justification for retaining the mandate is to ensure that prevention efforts are targeted to communities where a disproportionate number of minorities are committed to the juvenile justice system. We know what works to reduce juvenile crime: mentoring programs, truancy prevention programs, recreation, guaranteed access to college, job training, drug rehabilitation, community-based family oriented services, and much more. Research shows that juvenile crime is substantially reduced when these types of prevention programs are introduced and maintained in impoverished communities.[2]

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[1] Witnesses included: James Sileo, National Board Member, Big Brothers and Big Sisters of America and Pennsylvania State Police Officer; Peter LaVallee, Director, Redwood Region Youth Service Bureau, Eureka, California; Michael Petit, Deputy Director, Child Welfare League of America; Judge Kimberly O'Donnell, Juvenile and Domestic Relations District Court of Richmond, Virginia; Betty Tatham, Executive Director, YWCA Buck County, Trevose, Pennsylvania; Jim Kester, Juvenile Justice Specialist, Criminal Justice Division, Texas Governor's Office.

In addition to prevention programs, the Committee bill requires States to address "system improvement efforts" designed to reduce the disproportionate confinement of minority juveniles. States should take positive steps to address a system which employs, unintentionally or not, a selection bias from the moment of arrest through incarceration that results in a disproportionate number of minority youth in the juvenile system. Such efforts may include cultural competency training for law enforcement personnel, policymakers, and other juvenile justice professionals.

In sum, the bill recognizes that regardless of the cause, be it that social and economic disparity, or racism, in a large number of crimes committed by minority youth, additional and important efforts must be directed toward reducing the overrepresentation of minority youth in the juvenile justice system.

SIGHT AND SOUND SEPARATION

Separation of juveniles from adults in detention and correctional facilities remains a critical core requirement. This requirement was included along with the provision to deinstitutionalize status offenders at the inception of the Act. It highlights the general principle that youthful offenders have a right to receive the fundamental protections of the court as *parens patriae*. As such, the youthful offender should be assured of his or her physical and personal security while in detention or confinement.

The Majority correctly notes that the modifications to the principle of sight and sound separation in H.R. 1818 should not be interpreted to mean that Congress has reduced its focus on this core requirement. The changes prohibit "regular" contact but allow for "supervised, incidental contact" and address the need for flexibility. However, by improving the flexibility of this requirement, the Minority cautions States not to relax their vigilance in this area. Forty-two States were in full compliance with the current law of sight and sound separation in 1994. The Minority applauds these States and encourages the other States to use the modifications to this provision in order to achieve full compliance with this provision.

REMOVAL OF JUVENILES FROM ADULT JAILS

The mandate which requires the removal of juveniles from adult jails and lockups continues to challenge State juvenile justice systems. This bill retains this important mandate to prohibit the housing of juveniles in adult facilities. According to the Bureau of Justice Statistics, approximately 2,400 children are held as juveniles in adult jails on any given day. Only 14 States were in full compliance with this provision in 1994.

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[2] A Columbia University study of Boys & Girls Clubs in public housing projects provides additional proof that prevention programs are effective. Crime in public housing projects with a Boys & Girls Club was 13% lower than in projects without a Club. Additionally, prevalence of drug activity is 22% lower in projects with a Club. And, in Glenarden, Maryland, recreation facilities that combine recreation with life skills workshops are credited with reducing drug related crime by 60%.

Also see, Mendel, R. "Prevention or Pork? A Hard-headed Look at Youth-Oriented Anti-Crime Programs." Washington, D.C.: American Youth Policy Forum, (1995) p. 13.

We recognize the difficulties rural areas are facing with this requirement. H.R. 1818 expands the amount of time during which juveniles can be placed in adult facilities for initial court appearances from 24 hours to 48 hours. We generally regard adult facilities as inappropriate for short or long-term placements for juvenile offenders. Such facilities cannot provide the necessary space requirements to separate seriously violent youth from youth who commit lesser offenses. Adult jails also lack juvenile-specific corrections programming, health and mental health services, education services, and recreational activities.

According to testimony offered by Mark Soler, president of the Youth Law Center, before the Senate Youth Violence Subcommittee rural areas can achieve compliance with this provision with a committed effort:

> * * * These states have gotten children out of their jails in a variety of ways. Since the great majority of children are taken to jails for status offenses or minor crimes, many jurisdictions have allowed those children to return home, sometimes with close supervision or with electronic monitoring. Jurisdictions have also developed community-based programs for temporary housing of these children, sometimes with specially-trained staff. Some have found other property owned by the county and created small secure facilities for the few children who truly need to be locked up. Some have also developed contracts with retired police officers, teachers, or others to supervise arrested youth temporarily, or to transport them to other jurisdictions that have appropriate juvenile facilities. States across the country have worked hard on this issue, and their effort have been rewarded: those that want to comply with the federal regulations and protect their children have been able to do so.

IV. RURAL EXCEPTION

We are equally concerned that the Committee bill establishes a new rural exception which allows juveniles to be detained or confined in adult facilities when a parent or legal guardian consents and the court approves. In our view, legal counsel for youth must be included in any discussion on the placement of that youth in an adult facility. By omitting legal counsel from the group of concerned parties, the Majority fails to acknowledge that a child's best interest is legally represented by formal counsel during delinquency proceedings. Inasmuch as placement decisions are inherent to delinquency proceedings, legal counsel should be present in these discussions. The involvement of legal counsel in the decision does not establish counsel's primacy over the parent's wishes; rather it guarantees that the best interest of the child will be represented in the proceedings.

We are also concerned that the rural exception allows for a juvenile to be housed in an adult facility throughout the time that juvenile is detained or confined before and after adjudication. Overall, children in adult institutions are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, eight times more likely to commit suicide, and 50 percent more likely to be attacked with a weapon than a child in a juvenile facility. Given the extreme danger juveniles face in adult facilities, the rural exception should only be used for preadjudication detention, and the juvenile and juvenile's counsel should be able to require a transfer to a juvenile facility at any time without delay. Additionally, a juvenile should only be detained in an adult facility in a rural area if a judge rules, after consulting with the appropriate parties listed above, that such a detention is in the best interest of the child.

V. FAITH BASED ENTITIES

We support funding for faith-based organizations whose programs are not pervasively sectarian. The Young Men's Christian Association (YMCA), Catholic Charities, and similar organizations are excellent examples of religious-based organizations that operate government-financed programs which are not pervasively sectarian. Funds from this Act must not be used to carry out programs of religious instruction, proselytization, or other activities that would contravene the Establishment Clause of the First Amendment. Further, such organizations must not require participants to engage in secular activities as a condition of participation or to be affiliated with a specific religion. And finally, they must not discriminate against participants in programs funded by this Act or discriminate in employment in programs funded by this Act based on religious affiliation.

WILLIAM L. CLAY.
DALE E. KILDEE.
MAJOR R. OWENS.
PATSY T. MINK.
TIM ROEMER.
GEORGE MILLER.
MATTHEW G. MARTINEZ.
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RUBÉN HINOJOSA.
JOHN F. TIERNEY.
LORETTA SANCHEZ.
DENNIS J. KUCINICH.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

* * * * * * *

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

[FINDINGS

[Sec. 101. (a) The Congress hereby finds that—

[(1) juveniles accounted for almost half the arrests for serious crimes in the United States in 1974 and for less than one-third of such arrests in 1983;

[(2) recent trends show an upsurge in arrests of adolescents for murder, assault, and weapon use;

[(3) the small number of youth who commit the most serious and violent offenses are becoming more violent;

[(4) understaffed, overcrowded juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities and inadequately trained staff in such courts, services, and facilities are not able to provide individualized justice or effective help;

[(5) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of children, who, because of this failure to provide effective services, may become delinquents;

[(6) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse alcohol and other drugs, particularly nonopiate or polydrug abusers;

[(7) juvenile delinquency can be reduced through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;

[(8) State and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency;

[(9) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency;

[(10) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation;

[(11) emphasis should be placed on preventing youth from entering the juvenile justice system to begin with; and

[(12) the incidence of juvenile delinquency can be reduced through public recreation programs and activities designed to provide youth with social skills, enhance self esteem, and encourage the constructive use of discretionary time.

[(b) Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.

[PURPOSE

[SEC. 102. (a) It is the purpose of this Act—

[(1) to provide for the thorough and ongoing evaluation of all federally assisted juvenile justice and delinquency prevention programs;

[(2) to provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs;

[(3) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs;

[(4) to establish a centralized research effort on the problems of juvenile delinquency, including the dissemination of the findings of such research and all data related to juvenile delinquency;

[(5) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;

[(6) to assist State and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions;

[(7) to establish a Federal assistance program to deal with the problems of runaway and homeless youth;

[(8) to strengthen families in which juvenile delinquency has been a problem;

[(9) to assist State and local governments in removing juveniles from jails and lockups for adults;

[(10) to assist State and local governments in improving the administration of justice and services for juveniles who enter the system; and

[(11) to assist States and local communities to prevent youth from entering the justice system to begin with.

[(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency, including methods with a special focus on preserving and strengthening families so that juveniles may be retained in their homes; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention; (5) to encourage parental involvement in treatment and alternative disposition programs; and (6) to provide for coordination of services between State, local, and community-based agencies and to promote interagency cooperation in providing such services.]

FINDINGS

SEC. 101. (a) The Congress finds the following:

(1) There has been a dramatic increase in juvenile delinquency, particularly violent crime committed by juveniles. Weapons offenses and homicides are 2 of the fastest growing crimes committed by juveniles. More than ½ of juvenile victims are killed with a firearm. Approximately ⅕ of the individuals arrested for committing violent crime are less than 18 years of age. The increase in both the number of youth below the age of 15 and females arrested for violent crime is cause for concern.

(2) This problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

(A) quality prevention programs that—

(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts. Without true reform, the criminal justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 30 percent.

PURPOSES

SEC. 102. The purposes of this title and title II are—

(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.

DEFINITIONS

SEC. 103. For purposes of this Act—

(1) * * *

* * * * * * *

(3) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity [to help prevent juvenile delinquency] *designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior*;

(4)(A) the term "Bureau of Justice Assistance" means the bureau established by section 401 of *title I of* the Omnibus Crime Control and Safe Streets Act of 1968;

(B) the term "Office of Justice Programs" means the office established by section 101 of *title I of* the Omnibus Crime Control and Safe Streets Act of 1968;

(C) the term "National Institute of Justice" means the institute established by section 202(a) of *title I of* the Omnibus Crime Control and Safe Streets Act of 1968; and

(D) the term "Bureau of Justice Statistics" means the bureau established by section 302(a) of *title I of* the Omnibus Crime Control and Safe Streets Act of 1968;

* * * * * * *

(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, [the Trust Territory of the Pacific Islands,] the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

* * * * * * *

(9) the term "combination" as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a juvenile [justice] *crime control* and delinquency prevention plan;

* * * * * * *

(12) the term "secure detention facility" means any public or private residential facility which—

(A) * * *

(B) is used for the temporary placement of any juvenile who is accused of having committed an offense[, of any nonoffender,] or of any other individual accused of having committed a criminal offense;

(13) the term "secure correctional facility" means any public or private residential facility which—

(A) * * *

(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense[, any nonoffender,] or any other individual convicted of a criminal offense;

(14) the term "serious crime" means criminal homicide, forcible rape or other sex offenses punishable as a felony, mayhem, kidnapping, aggravated assault, *drug trafficking,* robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony;

* * * * * * *

(16) the term "valid court order" means a court order given by a juvenile court judge to a juvenile—

(A) who was brought before the court and made subject to such order; *and*

* * * * * * *

[(C) with respect to whom an appropriate public agency (other than a court or law enforcement agency), before the issuance of such order—

[(i) reviewed the behavior of such juvenile and the circumstances under which such juvenile was brought before the court and made subject to such order;

[(ii) determined the reasons for the behavior that caused such juvenile to be brought before the court and made subject to such order;

[(iii) determined that all dispositions (including treatment), other than placement in a secure detention facility or a secure correctional facility, have been exhausted or are clearly inappropriate; and

[(iv) submitted to the court a written report stating the results of the review conducted under clause (i) and the determinations made under clauses (ii) and (iii);

[(17) the term "Council" means the Coordinating Council on Juvenile Justice and Delinquency Prevention established in section 206(a)(1);]

[(18)] *(17)* the term "Indian tribe" means—

(A) a federally recognized Indian tribe; or

(B) an Alaskan Native organization;

[(19)] *(18) the term "comprehensive and coordinated system of services" means a system that—*

(A) * * *

* * * * * * *

[(20)] *(19)* the term "gender-specific services" means services designed to address needs unique to the gender of the individual to whom such services are provided;

[(21)] *(20)* the term "home-based alternative services" means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention;

[(22)] *(21)* the term "jail or lockup for adults" means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

[(i)] *(A)* pending the filing of a charge of violating a criminal law;

[(ii)] *(B)* awaiting trial on a criminal charge; or

[(iii)] *(C)* convicted of violating a criminal law; [and]

[(23)] *(22)* the term "nonprofit organization" means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986[.]*;*

(23) the term "boot camp" means a residential facility (excluding a private residence) at which there are provided—

(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

(B) regular, remedial, special, and vocational education; and

(C) counseling and treatment for substance abuse and other health and mental health problems;

(24) the term "graduated sanctions" means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

(25) the term "violent crime" means—

(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

(B) aggravated assault committed with the use of a firearm;

(26) the term "co-located facilities" means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

(27) the term "related complex of buildings" means 2 or more buildings that share—

(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

[PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE]

PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

ESTABLISHMENT OF OFFICE

SEC. 201. (a) There is hereby established an Office of Juvenile [Justice and Delinquency Prevention] *Crime Control and Delinquency Prevention* (hereinafter in this division referred to as the "Office") within the Department of Justice under the general authority of the Attorney General.

* * * * * * *

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

SEC. 202. (a) * * *

* * * * * * *

(b) The Administrator is authorized to select, appoint, and employ not to exceed three officers and to fix their compensation at rates not to exceed the rate now or hereafter [prescribed for GS–18 of the General Schedule by section 5332] *payable under section 5376* of title 5 of the United States Code.

* * * * * * *

CONCENTRATION OF FEDERAL EFFORTS

SEC. 204. (a)(1) The Administrator shall develop objectives, priorities, and a long-term plan, and implement overall policy and a strategy to carry out such plan, for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. [In carrying out the functions of the Administrator, the Administrator shall consult with the Council.]

* * * * * * *

(b) In carrying out the purposes of this Act, the Administrator shall—

(1) * * *

* * * * * * *

(3) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities [and of the prospective performance

and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered];

* * * * * * *

[(5)(A) develop for each fiscal year, and publish annually in the Federal Register for public comment, a proposed comprehensive plan describing the particular activities which the Administrator intends to carry out under parts C and D in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts C and D; and

[(B) taking into consideration comments received during the 45-day period beginning on the date the proposed plan is published, develop and publish a final plan, before December 31 of such fiscal year, describing the particular activities which the Administrator intends to carry out under parts C and D in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts C and D;]

[(6)] *(5)* provide for the auditing of monitoring systems required under section 223(a)(15) to review the adequacy of such systems; and

[(7)] *(6)* not later than 1 year after the date of the enactment of this paragraph, issue model standards for providing health care to incarcerated juveniles.

(c) The Administrator may require, through appropriate authority, Federal departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide the Administrator with such information [and reports, and to conduct such studies and surveys, as the Administrator may deem to be necessary to carry out the purposes of this part] *as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency.*

* * * * * * *

[(h)] *(f)* All functions of the Administrator under this title shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under title III of this Act.

[(i)(1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under subsection (c).

[(2) Each juvenile delinquency development statement submitted to the Administrator under paragraph (1) shall contain such information, data, and analyses as the Administrator may require. Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

[(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to the Administrator under paragraph (1). Such development statement, together with the comments of the Administrator, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment.]

* * * * * * *

[COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

[SEC. 206. (a)(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention composed of the Attorney General, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, the Commissioner of Immigration and Naturalization, such other officers of Federal agencies who hold significant decisionmaking authority as the President may designate, and individuals appointed under paragraph (2).

[(2)(A) Nine members shall be appointed, without regard to political affiliation, to the Council in accordance with this paragraph from among individuals who are practitioners in the field of juvenile justice and who are not officers or employees of the United States.

[(B)(i) Three members shall be appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives.

[(ii) Three members shall be appointed by the majority leader of the Senate, after consultation with the minority leader of the Senate.

[(iii) Three members shall be appointed by the President.

[(C)(i) Of the members appointed under each of clauses (i), (ii), and (iii)—

[(I) 1 shall be appointed for a term of 1 year;
[(II) 1 shall be appointed for a term of 2 years; and
[(III) 1 shall be appointed for a term of 3 years;

as designated at the time of appointment.

[(ii) Except as provided in clause (iii), a vacancy arising during the term for which an appointment is made may be filled only for the remainder of such term.

[(iii) After the expiration of the term for which a member is appointed, such member may continue to serve until a successor is appointed.

[(b) The Attorney General shall serve as Chairman of the Council. The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

[(c)(1) The function of the Council shall be to coordinate all Federal juvenile delinquency programs (in cooperation with State and local juvenile justice programs) all Federal programs and activities that detain or care for unaccompanied juveniles, and all Federal programs relating to missing and exploited children. The Council shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles and shall make recommendations to the President and to the Congress at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities and all Federal programs and activities that detain or care for unaccompanied juveniles. The Council shall review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of paragraphs (12)(A), (13), and (14) of section 223(a) of this title. The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council. The Council shall review the reasons why Federal agencies take juveniles into custody and shall make recommendations regarding how to improve Federal practices and facilities for holding juveniles in custody.

[(2) In addition to performing their functions as members of the Council, the members appointed under subsection (a)(2) shall collectively—

[(A) make recommendations regarding the development of the objectives, priorities, and the long-term plan, and the implementation of overall policy and the strategy to carry out such plan, referred to in section 204(a)(1); and

[(B) not later than 180 days after the date of the enactment of this paragraph, submit such recommendations to the Administrator, the Chairman of the Committee on Education and Labor of the House of Representatives, and the Chairman of the Committee on the Judiciary of the Senate.

[(d) The Council shall meet at least quarterly.

[(e) The Administrator shall, with the approval of the Council, appoint such personnel or staff support as the Administrator considers necessary to carry out the purposes of this title.

[(f) Members appointed under subsection (a)(2) shall serve without compensation. Members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

[(g) Of sums available to carry out this part, not more than $200,000 shall be available to carry out this section.**]**

ANNUAL REPORT

SEC. **[**207**]** *206.* Not later than 180 days after the end of a fiscal year, the Administrator shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains the following with respect to such fiscal year:

(1) * * *

(2) A description of the activities for which funds are expended under this part, including the objectives, priorities, *and* accomplishments**[**, and recommendations of the Council**]**.

(3) A description, based on the most recent data available, of the extent to which each State complies with section 223 and

with the plan submitted under such section by the State for such fiscal year.

[(4) A summary of each program or activity for which assistance is provided under part C or D, an evaluation of the results of such program or activity, and a determination of the feasibility and advisability of replacing such program or activity in other locations.

[(5) A description of selected exemplary delinquency prevention programs for which assistance is provided under this title, with particular attention to community-based juvenile delinquency prevention programs that involve and assist families of juveniles.]

(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

AUTHORITY TO MAKE GRANTS AND CONTRACTS

SEC. 221. (a) * * *

* * * * * * *

(b)(1) * * *

(2) Grants and contracts may be made under paragraph (1) only to public and private agencies, organizations, and individuals that have experience in providing such technical assistance. [In providing such technical assistance, the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 299(c)(1).]

ALLOCATION

SEC. 222. (a)(1) Subject to paragraph (2) and in accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen.

(2)(A) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this title (other than parts D and E) is less than $75,000,000, then the amount allocated to each State for such fiscal year shall be not less than $325,000, or such greater [amount, up to $400,000,] *amount up to $400,000* as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992, except that the amount allocated to the Virgin Islands of the United States, Guam, American Samoa, [the Trust Territory of the Pacific Islands,] and the Commonwealth of the Northern Mariana Islands shall be not less than $75,000, or such greater [amount, up to $100,000,] *amount up to $100,000* as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992, each.

(B) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this title [(other than part D)] equals or exceeds $75,000,000, then the amount allocated to each State for such fiscal year shall be not less than $400,000, [or such greater amount, up to $600,000, as is available to be allocated if appropriations have been enacted and made available to carry out parts D and E in the full amounts authorized by section 299(a) (1) and (3)] except that the amount allocated to the Virgin Islands of the United States, Guam, American Samoa, [the Trust Territory of the Pacific Islands,] and the Commonwealth of the Northern Mariana Islands shall be not less than $100,000, or such greater [amount, up to $100,000,] *amount up to $100,000* as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992, each.

(3) If, as a result of paragraph (2), the amount allocated to a State for a fiscal year would be less than the amount allocated to such State for fiscal year 1992, then the amounts allocated to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to [allot] *allocate* to such State for the fiscal year the amount allocated to such State for fiscal year 1992.

(b) If any amount so allocated remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Any amount so reallocated shall be in addition to the amounts already allocated and available to the State, the Virgin Islands, American Samoa, Guam, [the Trust Territory of the Pacific Islands,] and the Commonwealth of the Northern Mariana Islands for the same period.

* * * * * * *

STATE PLANS

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs and [challenge activities subsequent to State participation in part E], *projects, and activities.* The State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—

(1) * * *

* * * * * * *

(3) provide for an advisory group[, which—] *that—*

(A) shall consist of [not less than 15 and not more than 33] *the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and* members appointed by the chief executive officer of the State, *in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws—*

(i) which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency [or the administration of juvenile justice], *the administration of juvenile justice, or the reduction of juvenile delinquency;*

(ii) which members [include—

[(I) at least 1 locally elected official representing general purpose local government;

[(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;

[(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;

[(IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

[(V) volunteers who work with delinquents or potential delinquents;

[(VI) youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;

[(VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and

[(VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;]

represent a multidisciplinary approach to addressing juvenile delinquency and may include—

(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

(II) such other individuals as the chief executive officer considers to be appropriate; and

(iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;

[(iv) at least one-fifth of which members shall be under the age of 24 at the time of appointment; and

[(v) at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system;]

* * * * * * *

(C) shall be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory group, on all juvenile [justice] *crime control* and delinquency prevention grant applications submitted to the State agency designated under paragraph (1);

(D) shall, consistent with this title—

(i) advise the State agency designated under paragraph (1) and its supervisory board; *and*

(ii) submit to the chief executive officer and the legislature of the State at least annually recommendations regarding State compliance with the requirements of [paragraphs (12), (13), and (14) and with progress relating to challenge activities carried out pursuant to part E] *paragraphs (11), (12), and (13)*; and

[(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and]

(E) may, consistent with this [title—

[(i) advise on State supervisory board and local criminal justice advisory board composition;

[(ii)] *title,* review progress and accomplishments of projects funded under the State plan.

* * * * * * *

(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66⅔ per centum of funds received by the State under section 222[, other than] *reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding* funds made available to the state advisory group under section 222(d), shall be expended—

(A) * * *

* * * * * * *

(C) to provide funds for programs of Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior) and that agree to attempt to comply with the requirements specified in [paragraphs (12)(A), (13), and (14)] *paragraphs (11), (12), and (13),* applicable to the detention and confinement of juveniles, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the State population under 18 years of age.

[(6) provide that the chief executive officer of the unit of general local government shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and administration of the local government's part of the State plan, to that agency within the local government's structure or to a regional planning agency (hereinafter in this part referred to as the "local agency") which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;]

[(7)] *(6)* provide for an equitable distribution of the assistance received under section 222 within the State, *including in rural areas*;

[(8)] *(7)*(A) provide [for (i) an analysis of juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) within the relevant jurisdiction] *for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State* (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile [justice] *crime control* and delinquency prevention needs (including educational needs) [of the jurisdiction; (ii) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (iii) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;] *of the State; and*

[(B) contain—

[(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females; and

[(ii) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

[(C) contain—

[(i) an analysis of services for the prevention and treatment of juvenile delinquency in rural areas, including the need for such services, the types of such services available in rural areas, and geographically unique barriers to providing such services; and

[(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

[(D) contain—

[(i) an analysis of mental health services available to juveniles in the juvenile justice system (including an assessment of the appropriateness of the particular placements of juveniles in order to receive such services) and of barriers to access to such services; and [(ii) a plan for providing needed mental health services to juveniles in the juvenile justice system;]

(B) contain—

(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system;

[(9) provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, special education, recreation, health, and welfare within the State;]

(8) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;

[(10)] *(9)* provide that not less than 75 percent of the funds available to the State under section 222, other than funds made available to the State advisory group under section 222(d), whether expended directly by the State, by the unit of general local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization[, specifically] *including—*

[(i) for youth who can remain at home with assistance: home probation and programs providing professional supervised group activities or individualized mentoring relationships with adults that involve the family and provide counseling and other supportive services;]

[(ii)] *(i)* for youth who need temporary placement: crisis intervention, shelter, and after-care; and

[(iii)] *(ii)* for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

[(B) community-based programs and services to work with—

[(i) parents and other family members to strengthen families, including parent self-help groups, so that juveniles may be retained in their homes;

[(ii) juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and [(iii) parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited-English speaking ability;]

(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;

(C) comprehensive [juvenile justice] *juvenile crime control* and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;

[(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth affected by the juvenile justice system;]

(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

(E) educational programs or supportive services for delinquent or other [juveniles, provided equitably regardless of sex, race, or family income, designed to—

[(i) encourage juveniles to remain in elementary and secondary schools or in alternative learning situations, including—

[(I) education in settings that promote experiential, individualized learning and exploration of academic and career options;

[(II) assistance in making the transition to the world of work and self-sufficiency;

[(III) alternatives to suspension and expulsion; and

[(IV) programs to counsel delinquent juveniles and other juveniles regarding the opportunities that education provides; and]

juveniles—

(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and

[(ii)] *(iii)* enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—

(I) * * *

* * * * * * *

[(F) expanded use of home probation and recruitment and training of home probation officers, other professional and paraprofessional personnel, and volunteers to work effectively to allow youth to remain at home with their families as an alternative to incarceration or institutionalization;

[(G) youth-initiated outreach programs designed to assist youth (including youth with limited proficiency in English) who otherwise would not be reached by traditional youth assistance programs;]

(F) expanding the use of probation officers—

(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

(ii) to ensure that juveniles follow the terms of their probation;

(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;

(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other [handicapped youth] *juveniles with disabilities;*

* * * * * * *

[(K) law-related education programs (and projects) for delinquent and at-risk youth designed to prevent juvenile delinquency;

[(L) programs for positive youth development that assist delinquent and other at-risk youth in obtaining—

[(i) a sense of safety and structure;

[(ii) a sense of belonging and membership;

[(iii) a sense of self-worth and social contribution;

[(iv) a sense of independence and control over one's life;

[(v) a sense of closeness in interpersonal relationships; and

[(vi) a sense of competence and mastery including health and physical competence, personal and social competence, cognitive and creative competence, vocational competence, and citizenship competence, including ethics and participation;

[(M) programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

[(i) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

[(ii) assist in the provision by the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

[(N) programs designed to prevent and reduce hate crimes committed by juveniles, including educational programs and sentencing programs designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration; and]

(K) boot camps for juvenile offenders;

(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;

(M) other activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;

(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

(O) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and [cultural] *other* barriers that may prevent the complete treatment of such juveniles and the preservation of their families[.]*;*

(P) a system of records relating to any adjudication of juveniles less than 18 years of age who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult, that is—

(i) equivalent to the records that would be kept of adults arrested for such conduct, including fingerprints and photographs;

(ii) submitted to the Federal Bureau of Investigation in the same manner as adult records are so submitted;

(iii) retained for a period of time that is equal to the period of time records are retained for adults; and

(iv) available on an expedited basis to law enforcement agencies, the courts, and school officials (and such school officials shall be subject to the same standards and penalties that law enforcement and juvenile

justice system employees are subject to under Federal and State law, for handling and disclosing such information);

(Q) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts; and

(R) programs designed to prevent and reduce hate crimes committed by juveniles.

[(11)**]** *(10)* provide for the development of an adequate research, training, and evaluation capacity within the State;

[(12)(A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or offenses (other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18, United States Code, or a similar State law), or alien juveniles in custody, or such nonoffenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities; and

[(B) provide that the State shall submit annual reports to the Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities which (i) are the least restrictive alternatives appropriate to the needs of the child and the community; (ii) are in reasonable proximity to the family and the home communities of such juveniles; and (iii) provide the services described in section 103(1);

[(13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults;

[(14) provide that, beginning after the five-year period following December 8, 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall, through 1997, promulgate regulations which make exceptions with regard to the detention of juveniles accused of nonstatus offenses who are awaiting an initial court appearance pursuant to an enforceable State law requiring such appearances within twenty-four hours after being taken into custody (excluding weekends and holidays) provided that such exceptions are limited to areas that are in compliance with paragraph (13) and—

[(A)(i) are outside a Standard Metropolitan Statistical Area; and [(ii) have no existing acceptable alternative placement available;

[(B) are located where conditions of distance to be traveled or the lack of highway, road, or other ground transportation do not allow for court appearances within 24 hours, so that a brief (not to exceed 48 hours) delay is excusable; or

[(C) are located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel;]

(11) shall, in accordance with rules issued by the Administrator, provide that—

(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

(B) juveniles—

(i) who are not charged with any offense; and

(ii) who are—

(I) aliens; or

(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;

(12) provide that—

(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles;

(13) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

(i) for processing or release;

(ii) while awaiting transfer to a juvenile facility; or

(iii) in which period such juveniles make a court appearance;

(B) juveniles who are accused of nonstatus offenses, who are awaiting in initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

(i) in which—

(I) such juveniles do not have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

(ii) that—

(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget);

(II) has no existing acceptable alternative placement available;

(III) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

(IV) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

(C) juveniles who are accused of nonstatus offenses and who are detained or confined in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

(i) such jail or lockup—

(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

(II) has no existing acceptable alternative placement available;

(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juvenile in accordance with this subparagraph; and

(iii) detaining or confining such juvenile in accordance with this subparagraph is—

(I) approved in advance by a court with competent jurisdiction; and

(II) is required to be reviewed periodically, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention or confinement;

[(15)] *(14)* provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of [paragraph (12)(A), paragraph (13), and paragraph (14)] *paragraphs (11), (12), and (13)* are met, and for annual reporting of the results of such monitoring to the Administrator, except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in [paragraph (12)(A) and paragraph (13)] *paragraphs (11) and (12)*, and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;

[(16)] *(15)* provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and [mentally, emotionally, or physically handicapping conditions] *disability*;

[(17)] *(16)* provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members when possible and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible);

[(18)] *(17)* provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

[(19) provide that fair and equitable arrangements shall be made to protect the interests of employees affected by assistance under this Act and shall provide for the terms and conditions of such protective arrangements established pursuant to this section, and such protective arrangements shall, to the maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

[(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements or otherwise;

[(B) the continuation of collective-bargaining rights;

[(C) the protection of individual employees against a worsening of their positions with respect to their employment;

[(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act; and

[(E) training or retraining programs;]

(18) provide assurances that—

(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;

[(20)] *(19)* provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

[(21)] *(20)* provide reasonable assurances that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

[(22)] *(21)* provide that the State agency designated under paragraph (1) will from time to time, but not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary;

[(23) address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population;

[(24) contain such other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title; and]

(22) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;

(23) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

(C) not later than 48 hours during which such juvenile is so held—

(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

(ii) such court shall conduct a hearing to determine—

(I) whether there is reasonable cause to believe that such juvenile violated such order; and

(II) the appropriate placement of such juvenile pending disposition of the violation alleged;

[(25)**]** *(24)* provide an assurance that if the State receives under section 222 for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 1992, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services**[**.**]***;*

(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the State advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units; and

(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.

* * * * * * *

[(c)(1) Subject to paragraph (2), the Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

[(2) Failure to achieve compliance with the subsection (a)(12)(A) requirement within the 3-year time limitation shall terminate any State's eligibility for funding under this part for a fiscal year beginning before January 1, 1993, unless the Administrator determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 percent of such juveniles or through removal of 100 percent of such juveniles from secure correctional facilities, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding 2 additional years.

[(3) If a State fails to comply with the requirements of subsection (a), (12)(A), (13), (14), or (23) in any fiscal year beginning after January 1, 1993—

[(A) subject to subparagraph (B), the amount allotted under section 222 to the State for that fiscal year shall be reduced by 25 percent for each such paragraph with respect to which noncompliance occurs; and

[(B) the State shall be ineligible to receive any allotment under that section for such fiscal year unless—

[(i) the State agrees to expend all the remaining funds the State receives under this part (excluding funds required to be expended to comply with section 222 (c) and (d) and with section 223(a)(5)(C)) for that fiscal year only to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

[(ii) the Administrator determines, in the discretion of the Administrator, that the State—

[(I) has achieved substantial compliance with each such paragraph with respect to which the State was not in compliance; and

[(II) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time.]

(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a) in any fiscal year beginning after September 30, 1997, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.

(d) In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 802, 803, and 804 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall endeavor to make that State's [allotment] *allocation* under the provisions of section 222(a), excluding funds the Administrator shall make available to satisfy the requirement specified in section 222(d), available to local public and private non-profit agencies within such State for use in carrying out activities of the kinds described in [subsection (a) (12)(A), (13), (14) and (23)] *paragraphs (11), (12), (13), and (22) of subsection (a).* The Administrator shall make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds, available on an equitable basis to those States that have achieved full compliance with the requirements under [subsection (a) (12)(A), (13), (14) and (23)] *paragraphs (11), (12), (13), and (22) of subsection (a).*

[PART C—NATIONAL PROGRAMS

[Subpart I—National Institute for Juvenile Justice and Delinquency Prevention

[ESTABLISHMENT OF NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

[SEC. 241. (a) There is hereby established within the Juvenile Justice and Delinquency Prevention Office a National Institute for Juvenile Justice and Delinquency Prevention.

[(b) The National Institute for Juvenile Justice and Delinquency Prevention shall be under the supervision and direction of the Administrator.

[(c) The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the National Institute of Justice in accordance with the requirements of section 201(b).

[(d) It shall be the purpose of the Institute to provide—

[(1) a coordinating center for the collection, preparation, and dissemination of useful data regarding the prevention, treatment, and control of juvenile delinquency; and

[(2) appropriate training (including training designed to strengthen and maintain the family unit) for representatives of Federal, State, local law enforcement officers, teachers and special education personnel, recreation and park personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, probation personnel, prosecutors and defense attorneys, correctional personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention, treatment, and control of juvenile delinquency.

[(e) In addition to the other powers, express and implied, the Institute may—

[(1) request any Federal agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions;

[(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

[(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

[(4) make grants and enter into contracts with public or private agencies, organizations, or individuals for the partial performance of any functions of the Institute;

[(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter payable under section 5376 of title 5 of the United States Code and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently; and

[(6) assist through training the advisory groups established pursuant to section 223(a)(3) or comparable public or private citizen groups in nonparticipating States in the accomplishment of their objectives consistent with this title.

[(f)(1) The Administrator, acting through the Institute, shall provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 223(a)(3) to assist such organization to carry out the functions specified in paragraph (2).

[(2) To be eligible to receive such assistance, such organization shall agree to carry out activities that include—

[(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;

[(B) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 261;

[(C) reviewing Federal policies regarding juvenile justice and delinquency prevention;

[(D) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

[(E) advising the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation pertaining to juvenile justice and delinquency prevention.

[(g) Any Federal agency which receives a request from the Institute under subsection (e)(1) may cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute.

[INFORMATION FUNCTION

[SEC. 242. The Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention, shall—

[(1) on a continuing basis, review reports, data, and standards relating to the juvenile justice system in the United States;

[(2) serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency; and

[(3) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs (including drug and alcohol programs and gender-specific programs) and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

[RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

[SEC. 243. (a) The Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention, is authorized to—

[(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods which seek to strengthen and preserve families or which show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

[(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

[(3) establish or expand programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

[(i) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

[(ii) assist in the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

[(4) Encourage the development of programs which, in addition to helping youth take responsibility for their behavior, take into consideration life experiences which may have contributed to their delinquency when developing intervention and treatment programs;

[(5) encourage the development and establishment of programs to enhance the States' ability to identify chronic serious and violent juvenile offenders who commit crimes such as rape, murder, firearms offenses, gang-related crimes, violent felonies, and serious drug offenses;

[(5) provide for the evaluation of all juvenile delinquency programs assisted under this title in order to determine the results and the effectiveness of such programs;

[(6) provide for the evaluation of any other Federal, State, or local juvenile delinquency program;

[(7) prepare, in cooperation with educational institutions, with Federal, State, and local agencies, and with appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including—

[(A) recommendations designed to promote effective prevention and treatment, particularly by strengthening and maintaining the family unit;

[(B) assessments regarding the role of family violence, sexual abuse or exploitation, media violence, the improper handling of youth placed in one State by another State, the effectiveness of family-centered treatment programs, special education, remedial education, and recreation, and the extent to which youth in the juvenile system are treated differently on the basis of sex, race, or family income and the ramifications of such treatment;

[(C) examinations of the treatment of juveniles processed in the criminal justice system; and

[(D) recommendations as to effective means for deterring involvement in illegal activities or promoting involvement in lawful activities (including the productive use of discretionary time through organized recreational on the part of gangs whose membership is substantially composed of juveniles;

[(8) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency;

[(9) disseminate pertinent data and studies to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency;

[(10) develop and support model State legislation consistent with the mandates of this title and the standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984;

[(11) support research relating to reducing the excessive proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups; and

[(12) support independent and collaborative research, research training, and consultation on social, psychological, educational, economic, and legal issues affecting children and families;

[(13) support research related to achieving a better understanding of the commission of hate crimes by juveniles and designed to identify educational programs best suited to prevent and reduce the incidence of hate crimes committed by juveniles; and

[(14) routinely collect, analyze, compile, publish, and disseminate uniform national statistics concerning—

[(A) all aspects of juveniles as victims and offenders;

[(B) the processing and treatment, in the juvenile justice system, of juveniles who are status offenders, delinquent, neglected, or abused; and

[(C) the processing and treatment of such juveniles who are treated as adults for purposes of the criminal justice system.

[(b) The Administrator shall make available to the public—

[(1) the results of evaluations and research and demonstration activities referred to in subsection (a)(8); and

[(2) the data and studies referred to in subsection (a)(9);

that the Administrator is authorized to disseminate under subsection (a).

[TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS

[SEC. 244. The Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

[(1) provide technical assistance and training assistance to Federal, State, and local governments and to courts, public and private agencies, institutions, and individuals in the planning, establishment, funding, operation, and evaluation of juvenile delinquency programs;

[(2) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are working with or preparing to work with juveniles, juvenile offenders (including juveniles who commit hate crimes), and their families;

[(3) develop, conduct, and provide for seminars, workshops, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges prosecutors and defense attorneys, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

[(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work directly with juveniles and juvenile offenders; and

[(5) provide technical assistance and training to assist States and units of general local government to adopt the model standards issued under section 204(b)(7).

[ESTABLISHMENT OF TRAINING PROGRAM

[SEC. 245. (a) The Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency, including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles. In carrying out this program the Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like.

[(b) Enrollees in the training program established under this section shall be drawn from law enforcement and correctional personnel (including volunteer lay personnel), teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.

[CURRICULUM FOR TRAINING PROGRAM

[SEC. 246. The Administrator shall design and supervise a curriculum for the training program established by section 245 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program and shall include training designed to prevent juveniles from committing hate crimes.

[PARTICIPATION IN TRAINING PROGRAM AND STATE ADVISORY GROUP CONFERENCES

[SEC. 247. (a) Any person seeking to enroll in the training program established under section 245 shall transmit an application to the Administrator, in such form and according to such procedures as the Administrator may prescribe.

[(b) The Administrator shall make the final determination with respect to the admittance of any person to the training program. The Administrator, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in section 245(b).

[(c) While participating as a trainee in the program established under section 245 or while participating in any conference held under section 241(f), and while traveling in connection with such participation, each person so participating shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed travel expenses under section 5703 of title 5, United States Code. No consultation fee may be paid to such person for such participation.

[SPECIAL STUDIES AND REPORTS

[SEC. 248. (a) PURSUANT TO 1988 AMENDMENTS.—(1) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study with respect to the juvenile justice system—

[(A) to review—

[(i) conditions in detention and correctional facilities for juveniles; and

[(ii) the extent to which such facilities meet recognized national professional standards; and

[(B) to make recommendations to improve conditions in such facilities.

[(2)(A) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study to determine—

[(i) how juveniles who are American Indians and Alaskan Natives and who are accused of committing offenses on and near Indian reservations and Alaskan Native villages, respectively, are treated under the systems of justice administered by Indian tribes and Alaskan Native organizations, respectively, that perform law enforcement functions;

[(ii) the amount of financial resources (including financial assistance provided by governmental entities) available to Indian tribes and Alaskan Native organizations that perform law enforcement functions, to support community-based alternatives to incarcerating juveniles; and

[(iii) the extent to which such tribes and organizations comply with the requirements specified in paragraphs (12)(A), (13), and (14) of section 223(a), applicable to the detention and confinement of juveniles.

[(2)(A) For purposes of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)), any contact, subcontract, grant, or subgrant made under paragraph (1) shall be deemed to be a contract, subcontract, grant, or subgrant made for the benefit of Indians.

[(ii) for purposes of section 7(b) of such Act and subparagraph (A) of this paragraph, references to Indians and Indian organizations shall be deemed to include Alaskan Natives and Alaskan Native organizations, respectively.

[(3) Not later than 3 years after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall submit a report to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate containing a description, and a summary of the results, of the study conducted under paragraph (1) or (2), as the case may be.

[(b) PURSUANT TO 1992 AMENDMENTS.—(1) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study with respect to juveniles waived to adult court that reviews—

[(i) the frequency and extent to which juveniles have been transferred, certified, or waived to criminal court for prosecution during the 5-year period ending December 1992;

[(ii) conditions of confinement in adult detention and correctional facilities for juveniles waived to adult court; and

[(iii) sentencing patterns, comparing juveniles waived to adult court with juveniles who have committed similar offenses but have not been waived; and

[(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report (including a compilation of State waiver statutes) on the findings made in the study and recommendations to improve conditions for juveniles waived to adult court.

[(2) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study with respect to admissions of juveniles for behavior disorders to private psychiatric hospitals, and to other residential and nonresidential programs that serve juveniles admitted for behavior disorders, that reviews—

[(i) the frequency with which juveniles have been admitted to such hospitals and programs during the 5-year period ending December 1992; and

[(ii) conditions of confinement, the average length of stay, and methods of payment for the residential care of such juveniles; and

[(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve procedural protections and conditions for juveniles with behavior disorders admitted to such hospitals and programs.

[(3) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study of gender bias within State juvenile justice systems that reviews—

[(i) the frequency with which females have been detained for status offenses (such as frequently running away, truancy, and sexual activity), as compared with the frequency with which males have been detained for such offenses during the 5-year period ending December 1992; and

[(ii) the appropriateness of the placement and conditions of confinement for females; and

[(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to combat gender bias in juvenile justice and provide appropriate services for females who enter the juvenile justice system.

[(4) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study of the Native American pass-through grant program authorized under section 223(a)(5)(C) that reviews the cost-effectiveness of the funding formula utilized; and

[(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve the Native American pass-through grant program.

[(5) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study of access to counsel in juvenile court proceedings that reviews—

[(i) the frequency with which and the extent to which juveniles in juvenile court proceedings either have waived counsel or have obtained access to counsel during the 5-year period ending December 1992; and [(ii) a comparison of access to and the quality of counsel afforded juveniles charged in adult court proceedings with those of juveniles charged in juvenile court proceedings; and

[(B) submit to Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve access to counsel for juveniles in juvenile court proceedings.

[(6)(A) Not later than 180 days after the date of enactment of this subsection, the Administrator shall begin to conduct a study and continue any pending study of the incidence of violence committed by or against juveniles in urban and rural areas in the United States.

[(B) The urban areas shall include—

[(i) the District of Columbia;

[(ii) Los Angeles, California;

[(iii) Milwaukee, Wisconsin;

[(iv) Denver, Colorado;

[(v) Pittsburgh, Pennsylvania;

[(vi) Rochester, New York; and

[(vii) such other cities as the Administrator determines to be appropriate.

[(C) At least one rural area shall be included.

[(D) With respect to each urban and rural area included in the study, the objectives of the study shall be—

[(i) to identify characteristics and patterns of behavior of juveniles who are at risk of becoming violent or victims of homicide;

[(ii) to identify factors particularly indigenous to such area that contribute to violence committed by or against juveniles;

[(iii) to determine the accessibility of firearms, and the use of firearms by or against juveniles;

[(iv) to determine the conditions that cause any increase in violence committed by or against juveniles;

[(v) to identify existing and new diversion, prevention, and control programs to ameliorate such conditions;

[(vi) to improve current systems to prevent and control violence by or against juveniles; and

[(vii) to develop a plan to assist State and local governments to establish viable ways to reduce homicide committed by or against juveniles.

[(E) Not later than 3 years after the date of enactment of this subsection, the Administrator shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate detailing the results of the study addressing each objective specified in subparagraph (D).

[(7)(A) Not later than 1 year after the date of the enactment of this subsection, the Administrator shall—

[(i) conduct a study described in subparagraph (B); and

[(ii) submit to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate the results of the study.

[(B) The study required by subparagraph (A) shall assess—

[(i) the characteristics of juveniles who commit hate crimes, including a profile of such juveniles based on—

[(I) the motives for committing hate crimes;

[(II) the age, sex, race, ethnicity, education level, locality, and family income of such juveniles; and

[(III) whether such juveniles are familiar with publications or organized groups that encourage the commission of hate crimes;

[(ii) the characteristics of hate crimes committed by juveniles, including—

[(I) the types of hate crimes committed;

[(II) the frequency with which institutions and natural persons, separately determined, were the targets of such crimes;

[(III) the number of persons who participated with juveniles in committing such crimes;

[(IV) the types of law enforcement investigations conducted with respect to such crimes;

[(V) the law enforcement proceedings commenced against juveniles for committing hate crimes; and

[(VI) the penalties imposed on such juveniles as a result of such proceedings; and

[(iii) the characteristics of the victims of hate crimes committed by juveniles, including—

[(I) the age, sex, race, ethnicity, locality of the victims and their familiarity with the offender; and

[(II) the motivation behind the attack.

[Subpart II—Special Emphasis Prevention and Treatment Programs

[AUTHORITY TO MAKE GRANTS AND CONTRACTS

[SEC. 261. (a) Except as provided in subsection (f), the Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals provide for each of the following during each fiscal year:

[(1) Establishing or maintaining community-based alternatives (including home-based treatment programs) to traditional forms of institutionalization of juvenile offenders.

[(2) Establishing or implementing effective means of diverting juveniles from the traditional juvenile justice and correctional system, including restitution and reconciliation projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents.

[(3) Establishing or supporting advocacy programs and services that encourage the improvement of due process available to juveniles in the juvenile justice system and the quality of legal representation for such juveniles.

[(4) Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles affected by the juvenile justice system, including services that provide for the appointment of special advocates by courts for such juveniles.

[(5) Developing or supporting model programs to strengthen and maintain the family unit in order to prevent or treat juvenile delinquency.

[(6) Establishing or implementing special emphasis prevention and treatment programs relating to juveniles who commit serious crimes (including such crimes committed in schools), including programs designed to deter involvement in illegal activities or to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of juveniles.

[(7) Developing or implementing further a coordinated, national law-related education program of—

[(A) delinquency prevention in elementary and secondary schools, and other local sites;

[(B) training for persons responsible for the implementation of law-related education programs; and

[(C) disseminating information regarding model, innovative, law-related education programs to juvenile delinquency programs, including those that are community based, and to law enforcement and criminal justice agencies for activities related to juveniles,

that targets juveniles who have had contact with the juvenile justice system or who are likely to have contact with the system.

[(8) Addressing efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population.

[(9) Establishing or supporting programs designed to prevent and to reduce the incidence of hate crimes by juveniles, including—

[(A) model educational programs that are designed to reduce the incidence of hate crimes by means such as—

[(i) addressing the specific prejudicial attitude of each offender;

[(ii) developing an awareness in the offender of the effect of the hate crime on the victim; and

[(iii) educating the offender about the importance of tolerance in our society; and

[(B) sentencing programs that are designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration.

[(b) Except as provided in subsection (f), the Adminstrator is authorized, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals, to develop and implement new approaches, techniques, and methods designed to—

[(1) improve the capability of public and private agencies and organizations to provide services for delinquents and other juveniles to help prevent juvenile delinquency;

[(2) develop and implement, in coordination with the Secretary of Education, model programs and methods to keep students in elementary and secondary schools, to assist in identifying learning difficulties (including learning disabilities), to prevent unwarranted and arbitrary suspensions and expulsions, and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

[(3) develop, implement, and support, in conjunction with the Secretary of Labor, other public and private agencies, organizations, business, and industry, programs for the employment of juveniles;

[(4) develop and support programs designed to encourage and assist State legislatures to consider and establish policies consistent with this title, both by amending State laws, if necessary, and devoting greater resources to effectuate such policies;

[(5) develop and implement programs relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other handicapped juveniles;

[(6) develop statewide programs through the use of subsidies or other financial incentives designed to—

[(A) remove juveniles from jails and lockups for adults;

[(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

[(C) establish and adopt, based upon the recommendations of the National Advisory Committee for Juvenile Justice and Delinquency Prevention made before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984, standards for the improvement of juvenile justice within each State involved; and

[(7) develop and implement programs, relating to the special education needs of delinquent and other juveniles, which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies.

[(c) Not less than 30 percent of the funds available for grants and contracts under this section shall be available for grants to and contracts with private nonprofit agencies, organizations, and institutions which have experience in dealing with juveniles.

[(d) Assistance provided under this section shall be available on an equitable basis to deal with female, minority, and disadvantaged juveniles, including juveniles who are mentally, emotionally, or physically handicapped.

[(e) Not less than 5 percent of the funds available for grants and contracts under this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

[(f) The Administrator shall not make a grant or a contract under subsection (a) or (b) to the Department of Justice or to any administrative unit or other entity that is part of the Department of Justice.

[CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

[SEC. 262. (a) Any agency, institution, or individual desiring to receive a grant, or enter into a contract, under this part shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

[(b) In accordance with guidelines established by the Administrator, each application for assistance under this part shall—

[(1) set forth a program for carrying out one or more of the purposes set forth in this part and specifically identify each such purpose such program is designed to carry out;

[(2) provide that such program shall be administered by or under the supervision of the applicant;

[(3) provide for the proper and efficient administration of such program;

[(4) provide for regular evaluation of such program;

[(5) certify that the applicant has requested the State planning agency and local agency designated in section 223, if any to review and comment on such application and indicate the responses of such State planning agency and local agency to such request;

[(6) attach a copy of the responses of such State planning agency and local agency to such request;

[(7) provide that regular reports on such program shall be sent to the Administrator and to such State planning agency and local agency; and

[(8) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title.

[(c) In determining whether or not to approve applications for grants and for contracts under this part, the Administrator shall consider—

[(1) the relative cost and effectiveness of the proposed program in carrying out this part;

[(2) the extent to which such program will incorporate new or innovative techniques;

[(3) if a State plan has been approved by the Administrator under section 223(c), the extent to which such program meets the objectives and priorities of the State plan, taking into consideration the location and scope of such program;

[(4) the increase in capacity of the public and private agency, institution, or individual involved to provide services to address juvenile delinquency and juvenile delinquency prevention;

[(5) the extent to which such program serves communities which have high rates of juvenile unemployment, school dropout, and delinquency; and

[(6) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than 40,000 located within States which have no city with a population over 250,000.

[(d)(1)(A) Programs selected for assistance through grants or contracts under this part (other than section 241(f)) shall be selected through a competitive process to be established by rule by the Administrator. As part of such a process, the Administrator shall announce in the Federal Register—

[(i) the availability of funds for such assistance;

[(ii) the general criteria applicable to the selection of applicants to receive such assistance; and

[(iii) a description of the procedures applicable to submitting and reviewing applications for such assistance.

[(B) The competitive process described in subparagraph (A) shall not be required if the Administrator makes a written determination waiving the competitive process—

[(i) with respect to programs to be carried out in areas with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists; or

[(ii) with respect to a particular program described in part C that is uniquely qualified.

[(2)(A) Programs selected for assistance through grants or contracts under this part (other than section 241(f)) shall be reviewed before selection, and thereafter as appropriate, through a formal peer review process utilizing experts (other than officers and employees of the Department of Justice) in fields related to the subject matter of the proposed program.

[(B) Such process shall be established by the Administrator in consultation with the Directors and other appropriate officials of the National Science Foundation and the National Institute of Mental Health. Before implementation of such process, the Administrator shall submit such process to such Directors, each of whom shall prepare and furnish to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate a final report containing their comments on such process as proposed to be established.

[(3) The Administrator, in establishing the process required under paragaphs (1) and (2), shall provide for emergency expedited consideration of the proposed programs if necessary to avoid any delay which would preclude carrying out such programs.

[(e) A city shall not be denied assistance under this part solely on the basis of its population.

[(f) Notification of grants and contracts made under this part (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the Administrator, to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate.

[Part D—Gang-Free Schools and Communities; Community-Based Gang Intervention

[Subpart I—Gang-Free Schools and Communities

[AUTHORITY TO MAKE GRANTS AND CONTRACTS

[Sec. 281. (a) The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

[(1) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—

[(A) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

[(B) education and social services designed to address the social and developmental needs of juveniles which such juveniles would otherwise seek to have met through membership in gangs;

[(C) crisis intervention and counseling to juveniles, who are particularly at risk of gang involvement, and their families, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

[(D) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

[(E) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

[(2) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

[(3) To target elementary school students, with the purpose of steering students away from gang involvement.

[(4) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

[(5) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

[(6) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools which will assist such schools in maintaining a safe environment conducive to learning.

[(7) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

[(8) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies.

[(9) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

[(10) To provide services authorized in this section at a special location in a school or housing project.

[(11) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

[(b) From not more than 15 percent of the amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

[(1) to conduct research on issues related to juvenile gangs;

[(2) to evaluate the effectiveness of programs and activities funded under subsection (a); and

[(3) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this subpart.

[APPROVAL OF APPLICATIONS

[SEC. 281A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

[(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

[(1) set forth a program or activity for carrying out one or more of the purposes specified in section 281 and specifically identify each such purpose such program or activity is designed to carry out;

[(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

[(3) provide for the proper and efficient administration of such program or activity;

[(4) provide for regular evaluation of such program or activity;

[(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

[(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

[(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

[(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

[(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

[(c) In reviewing applications for grants and contracts under section 281(a), the Administrator shall give priority to applications—

[(1) submitted by, or substantially involving, local educational agencies (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

[(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

[(3) for assistance for programs and activities that—

[(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

[(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

[Subpart II—Community-Based Gang Intervention

[SEC. 282. (a) The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

[(1) to reduce the participation of juveniles in the illegal activities of gangs;

[(2) to develop regional task forces involving State, local, and community-based organizations to coordinate enforcement, intervention, and treatment efforts for juvenile gang members and to curtail interstate activities of gangs; and

[(3) to facilitate coordination and cooperation among—

[(A) local education, juvenile justice, employment, and social service agencies; and

[(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

[(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

[(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

[(B) assist in the provision by the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

[(b) Programs and activities for which grants and contracts are to be made under subsection (a) may include—

[(1) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

[(2) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

[(3) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

[(4) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies;

[(5) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

[(6) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

[APPROVAL OF APPLICATIONS

[SEC. 282A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

[(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

[(1) set forth a program or activity for carrying out one or more of the purposes specified in section 282 and specifically identify each such purpose such program or activity is designed to carry out;

[(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

[(3) provide for the proper and efficient administration of such program or activity;

[(4) provide for regular evaluation of such program or activity;

[(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

[(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

[(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

[(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

[(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

[(c) In reviewing applications for grants and contracts under section 285(a), the Administrator shall give priority to applications—

[(1) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

[(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

[(3) for assistance for programs and activities that—

[(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

[(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

[Subpart III—General Provisions

[DEFINITION

[SEC. 283. For purposes of this part, the term "juvenile" means an individual who is less than 22 years of age.

[PART E—STATE CHALLENGE ACTIVITIES

[ESTABLISHMENT OF PROGRAM

[SEC. 285. (a) IN GENERAL.—The Administrator may make a grant to a State that receives an allocation under section 222, in the amount of 10 percent of the amount of the allocation, for each challenge activity in which the State participates for the purpose of funding the activity.

[(b) DEFINITIONS.—For purposes of this part—

[(1) the term "case review system" means a procedure for ensuring that—

[(A) each youth has a case plan, based on the use of objective criteria for determining a youth's danger to the community or himself or herself, that is designed to achieve appropriate placement in the least restrictive and most family-like setting available in close proximity to the parents' home, consistent with the best interests and special needs of the youth;

[(B) the status of each youth is reviewed periodically but not less frequently than once every 3 months, by a court or by administrative review, in order to determine the continuing necessity for and appropriateness of the placement;

[(C) with respect to each youth, procedural safeguards will be applied to ensure that a dispositional hearing is held to consider the future status of each youth under State supervision, in a juvenile or family court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not later than 12 months after the original placement of the youth and periodically thereafter during the continuation of out-of-home placement; and

[(D) a youth's health, mental health, and education record is reviewed and updated periodically; and

[(2) the term "challenge activity" means a program maintained for 1 of the following purposes:

[(A) Developing and adopting policies and programs to provide basic health, mental health, and appropriate education services, including special education, for youth in the juvenile justice system as specified in standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention prior to October 12, 1984.

[(B) Developing and adopting policies and programs to provide access to counsel for all juveniles in the justice system to ensure that juveniles consult with counsel before waiving the right to counsel.

[(C) Increasing community-based alternatives to incarceration by establishing programs (such as expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, and electronic monitoring) and developing and adopting a set of objective criteria for the appropriate placement of juveniles in detention and secure confinement.

[(D) Developing and adopting policies and programs to provide secure settings for the placement of violent juvenile offenders by closing down traditional training schools and replacing them with secure settings with capacities of no more than 50 violent juvenile offenders with ratios of staff to youth great enough to ensure adequate supervision and treatment.

[(E) Developing and adopting policies to prohibit gender bias in placement and treatment and establishing programs to ensure that female youth have access to the full range of health and mental health services, treatment for physical or sexual assault and abuse, self defense instruction, education in parenting, education in general, and other training and vocational services.

[(F) Establishing and operating, either directly or by contract or arrangement with a public agency or other appropriate private nonprofit organization (other than an agency or organization that is responsible for licensing or certifying out-of-home care services for youth), a State ombudsman office for children, youth, and families to investigate and resolve complaints relating to action, inaction, or decisions of providers of out-of-home care to children and youth (including secure detention and correctional facilities, residential care facilities, public agencies, and social service agencies) that may adversely affect the health, safety, welfare, or rights of resident children and youth.

[(G) Developing and adopting policies and programs designed to remove, where appropriate, status offenders from the jurisdiction of the juvenile court to prevent the placement in secure detention facilities or secure correctional facilities of juveniles who are nonoffenders or who are charged with or who have committed offenses that would not be criminal if committed by an adult.

[(H) Developing and adopting policies and programs designed to serve as alternatives to suspension and expulsion from school.

[(I) Increasing aftercare services for juveniles involved in the justice system by establishing programs and developing and adopting policies to provide comprehensive health, mental health, education, and vocational services and services that preserve and strengthen the families of such juveniles.

[(J) Developing and adopting policies to establish—

[(i) a State administrative structure to coordinate program and fiscal policies for children who have emotional and behavioral problems and their families among the major child serving systems, including schools, social services, health services, mental health services, and the juvenile justice system; and

[(ii) a statewide case review system.

[Part F—Treatment for Juvenile Offenders Who are Victims of Child Abuse or Neglect

[DEFINITION

[Sec. 287. For the purposes of this part, the term "juvenile" means a person who is less than 18 years of age.

[AUTHORITY TO MAKE GRANTS

[Sec. 287A. The Administrator, in consultation with the Secretary of Health and Human Services, shall make grants to public and nonprofit private organizations to develop, establish, and support projects that—

[(1) provide treatment to juvenile offenders who are victims of child abuse or neglect and to their families so as to reduce the likelihood that the juvenile offenders will commit subsequent violations of law;

[(2) based on the best interests of juvenile offenders who receive treatment for child abuse or neglect, provide transitional services (including individual, group, and family counseling) to juvenile offenders—

[(A) to strengthen the relationships of juvenile offenders with their families and encourage the resolution of intrafamily problems related to the abuse or neglect;

[(B) to facilitate their alternative placement; and

[(C) to prepare juveniles aged 16 years and older to live independently; and

[(3) carry out research (including surveys of existing transitional services, identification of exemplary treatment modalities, and evaluation of treatment and transitional services) provided with grants made under this section.

[ADMINISTRATIVE REQUIREMENTS

[SEC. 287B. The Administrator shall administer this part subject to the requirements of sections 262, 299B, and 299E.

[PRIORITY

[SEC. 287C. In making grants under section 287A, the Administrator—

[(1) shall give priority to applicants that have experience in treating juveniles who are victims of child abuse or neglect; and

[(2) may not disapprove an application solely because the applicant proposes to provide treatment or transitional services to juveniles who are adjudicated to be delinquent for having committed offenses that are not serious crimes.

[PART G—MENTORING

[PURPOSES

[SEC. 288. The purposes of this part are—

[(1) to reduce juvenile delinquency and gang participation;

[(2) to improve academic performance; and

[(3) to reduce the dropout rate,

through the use of mentors for at-risk youth.

[DEFINITIONS

[SEC. 288A. For purposes of this part—

[(1) the term "at-risk youth" means a youth at risk of educational failure or dropping out of school or involvement in delinquent activities; and

[(2) the term "mentor" means a person who works with an at-risk youth on a one-to-one basis, establishing a supportive relationship with the youth and providing the youth with academic assistance and exposure to new experiences that enhance the youth's ability to become a responsible citizen.

[GRANTS

[SEC. 288B. The Administrator shall, by making grants to and entering into contracts with local educational agencies (each of which agency shall be in partnership with a public or private agency, institution, or business), establish and support programs and activities for the purpose of implementing mentoring programs that—

[(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, and adults working for community-based organizations and agencies; and

[(2) are intended to achieve 1 or more of the following goals:

[(A) Provide general guidance to at-risk youth.

[(B) Promote personal and social responsibility among at-risk youth.

[(C) Increase at-risk youth's participation in and enhance their ability to benefit from elementary and secondary education.

[(D) Discourage at-risk youth's use of illegal drugs, violence, and dangerous weapons, and other criminal activity.

[(E) Discourage involvement of at-risk youth in gangs.

[(F) Encourage at-risk youth's participation in community service and community activities.

[REGULATIONS AND GUIDELINES

[SEC. 288C. (a) PROGRAM GUIDELINES.—The Administrator shall issue program guidelines to implement this part. The program guidelines shall be effective only after a period for public notice and comment.

[(b) MODEL SCREENING GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

[USE OF GRANTS

[SEC. 288D. (a) PERMITTED USES.—Grants awarded pursuant to this part shall be used to implement mentoring programs, including—

[(1) hiring of mentoring coordinators and support staff;

[(2) recruitment, screening, and training of adult mentors;

[(3) reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and

[(4) such other purposes as the Administrator may reasonably prescribe by regulation.

[(b) PROHIBITED USES.—Grants awarded pursuant to this part shall not be used—

[(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

[(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the grantee's operations;

[(3) to support litigation of any kind; or

[(4) for any other purpose reasonably prohibited by the Administrator by regulation.

[PRIORITY

[SEC. 288E. (a) IN GENERAL.—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

[(1) serve at-risk youth in high crime areas;

[(2) have 60 percent or more of their youth eligible to receive funds under the Elementary and Secondary Education Act of 1965; and

[(3) have a considerable number of youth who drop out of school each year.

[(b) OTHER CONSIDERATIONS.—In making grants under this part, the Administrator shall give consideration to—

[(1) the geographic distribution (urban and rural) of applications;

[(2) the quality of a mentoring plan, including—

[(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or postsecondary education; and

[(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

[(3) the capability of the applicant to effectively implement the mentoring plan.

[APPLICATIONS

[SEC. 288F. An application for assistance under this part shall include—

[(1) information on the youth expected to be served by the program;

[(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

[(3) an assurance that no mentor will be assigned to more than one youth, so as to ensure a one-to-one relationship;

[(4) an assurance that projects operated in secondary schools will provide youth with a variety of experiences and support, including—

[(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

[(B) an opportunity to witness the job skills that will be required for youth to obtain employment upon graduation;

[(C) assistance with homework assignments; and

[(D) exposure to experiences that youth might not otherwise encounter;

[(5) an assurance that projects operated in elementary schools will provide youth with—

[(A) academic assistance;

[(B) exposure to new experiences and activities that youth might not encounter on their own; and

[(C) emotional support;

[(6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, with provision for a new mentor assignment if the relationship is not beneficial to the youth;

[(7) the method by which mentors and youth will be recruited to the project;

[(8) the method by which prospective mentors will be screened; and

[(9) the training that will be provided to mentors.

[GRANT CYCLES

[SEC. 288G. Grants under this part shall be made for 3-year periods.

[REPORTS

[SEC. 288H. Not later than 120 days after the completion of the first cycle of grants under this part, the Administrator shall submit to Congress a report regarding the success and effectiveness of the grant program in reducing juvenile delinquency and gang participation, improving academic performance, and reducing the dropout rate.

[PART H—BOOT CAMPS

[ESTABLISHMENT OF PROGRAM

[SEC. 289. (a) IN GENERAL.—The Administrator may make grants to the appropriate agencies of 1 or more States for the purpose of establishing up to 10 military-style boot camps for juvenile delinquents (referred to as "boot camps").

[(b) LOCATION.—(1) The boot camps shall be located on existing or closed military installations on sites to be chosen by the agencies in one or more States, or in other facilities designated by the agencies on such sites, after consultation with the Secretary of Defense, if appropriate, and the Administrator.

[(2) The Administrator shall—

[(A) try to achieve to the extent possible equitable geographic distribution in approving boot camp sites; and

[(B) give priority to grants where more than one State enters into formal cooperative arrangements to jointly administer a boot camp; and

[(c) REGIMEN.—The boot camps shall provide—

[(1) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training;

[(2) regular, remedial, special, and vocational education; and

[(3) counseling and treatment for substance abuse and other health and mental health problems.

[CAPACITY

[SEC. 289A. Each boot camp shall be designed to accommodate between 150 and 250 juveniles for such time as the grant recipient agency deems to be appropriate.

[ELIGIBILITY AND PLACEMENT

[SEC. 289B. (a) ELIGIBILITY.—A person shall be eligible for assignment to a boot camp if he or she—

[(1) is considered to be a juvenile under the laws of the State of jurisdiction; and

[(2) has been adjudicated to be delinquent in the State of jurisdiction or, upon approval of the court, voluntarily agrees to the boot camp assignment without a delinquency adjudication.

[(b) PLACEMENT.—Prior to being placed in a boot camp, an assessment of a juvenile shall be performed to determine that—

[(1) the boot camp is the least restrictive environment that is appropriate for the juvenile considering the seriousness of the juvenile's delinquent behavior and the juvenile's treatment need; and

[(2) the juvenile is physically and emotionally capable of participating in the boot camp regimen.

[POST-RELEASE SUPERVISION

[SEC. 289C. A State that seeks to establish a boot camp, or participate in the joint administration of a boot camp, shall submit to the Administrator a plan describing—

[(1) the provisions that the State will make for the continued supervision of juveniles following release; and

[(2) provisions for educational and vocational training, drug or other counseling and treatment, and other support services.

[PART I—WHITE HOUSE CONFERENCE ON JUVENILE JUSTICE

[SEC. 291. (a) IN GENERAL.—The President may call and conduct a National White House Conference on Juvenile Justice (referred to as the "Conference") in accordance with this part.

[(b) PURPOSES OF CONFERENCE.—The purposes of the Conference shall be—

[(1) to increase public awareness of the problems of juvenile offenders and the juvenile justice system;

[(2) to examine the status of minors currently in the juvenile and adult justice systems;

[(3) to examine the increasing number of violent crimes committed by juveniles;

[(4) to examine the growing phenomena of youth gangs, including the number of young women who are involved;

[(5) to assemble persons involved in policies and programs related to juvenile delinquency prevention and juvenile justice enforcement;

[(6) to examine the need for improving services for girls in the juvenile justice system;

[(7) to create a forum in which persons and organizations from diverse regions may share information regarding successes and failures of policy in their juvenile justice and juvenile delinquency prevention programs; and

[(8) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate to address the problems of juvenile delinquency and juvenile justice.

[(c) SCHEDULE OF CONFERENCES.—The Conference under this part shall be concluded not later than 18 months after the date of enactment of this part.

[(d) PRIOR STATE AND REGIONAL CONFERENCES.—

[(1) IN GENERAL.—Participants in the Conference and other interested persons and organizations may conduct conferences and other activities at the State and regional levels prior to the date of the Conference, subject to the approval of the executive director of the Conference.

[(2) PURPOSE OF STATE AND REGIONAL CONFERENCES.—State and regional conferences and activities shall be directed toward the consideration of the purposes of this part. State conferences shall elect delegates to the National Conferences.

[(3) ADMITTANCE.—No person involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders may be denied admission to a State or regional conference.

[CONFERENCE PARTICIPANTS

[SEC. 291A. (a) IN GENERAL.—The Conference shall bring together persons concerned with issues and programs, both public and private, relating to juvenile justice, and juvenile delinquency prevention.

[(b) SELECTION.—

[(1) STATE CONFERENCES.—Delegates, including alternates, to the National Conference shall be elected by participants at the State conferences.

[(2) DELEGATES.—(A) In addition to delegates elected pursuant to paragraph (1)—

[(i) each Governor may appoint 1 delegate and 1 alternate;

[(ii) the majority leader of the Senate, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

[(iii) the Speaker of the House of Representatives, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

[(iv) the President may appoint 20 delegates and 5 alternates;

[(v) the chief law enforcement official and the chief juvenile corrections official of each State may appoint 1 delegate and 1 alternate each; and

[(vi) the Chairperson of the Juvenile Justice and Delinquency Prevention Advisory Committee of each State, or his or her designate, may appoint 1 delegate.

[(B) Only persons involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders shall be eligible for appointment as a delegate.

[(c) PARTICIPANT EXPENSES.—Each participant in the Conference shall be responsible for his or her expenses related to attending the Conference and shall not be reimbursed from funds appropriated pursuant to this Act.

[(d) NO FEES.—No fee may be imposed on a person who attends a Conference except a registration fee of not to exceed $10.

[STAFF AND EXECUTIVE BRANCH

[SEC. 291B. (a) IN GENERAL.—The President may appoint and compensate an executive director of the National White House Conference on Juvenile Justice and such other directors and personnel for the Conference as the President may deem to be advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates. The staff of the Conference may not exceed 20, including the executive director.

[(b) DETAILEES.—Upon request by the executive director, the heads of the executive and military departments may detail employees to work with the executive director in planning and administering the Conference without regard to section 3341 of title 5, United States Code.

[PLANNING AND ADMINISTRATION OF CONFERENCE

[SEC. 291C. (a) FEDERAL AGENCY SUPPORT.—All Federal departments, agencies, and instrumentalities shall provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

[(b) DUTIES OF THE EXECUTIVE DIRECTOR.—In carrying out this part, the executive director of the White House Conference on Juvenile Justice—

[(1) shall provide such assistance as may be necessary for the organization and conduct of conferences at the State and regional levels authorized by section 291(d);

[(2) may enter into contracts and agreements with public and private agencies and organizations and academic institutions to assist in carrying out this part; and

[(3) shall prepare and provide background materials for use by participants in the Conference and by participants in State and regional conferences.

[REPORTS

[SEC. 291D. (a) IN GENERAL.—Not later than 6 months after the date on which a National Conference is convened, a final report of the Conference shall be submitted to the President and the Congress.

[(b) CONTENTS.—A report described in subsection (a)—

[(1) shall include the findings and recommendations of the Conference and proposals for any legislative action necessary to implement the recommendations of the Conference; and

[(2) shall be made available to the public.

[OVERSIGHT

[SEC. 291E. The Administrator shall report to the Congress annually during the 3-year period following the submission of the final report of a Conference on the status and implementation of the findings and recommendations of the Conference.]

PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

SEC. 241. AUTHORITY TO MAKE GRANTS.

The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

(1) projects that assist in holding juveniles accountable for their actions, including the use of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

(2) projects that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

(3) educational projects or supportive services for delinquent or other juveniles—

(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

(C) to assist in identifying learning difficulties (including learning disabilities);

(D) to prevent unwarranted and arbitrary suspensions and expulsions;

(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other handicapped juveniles; or

(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies;

(4) projects which expand the use of probation officers—

(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

(B) to ensure that juveniles follow the terms of their probation;

(5) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

(6) community-based projects and services (including literacy and social service programs) which work with juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family

members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

(7) projects designed to provide for the treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

(8) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

(9) projects which provide for an initial intake screening of each juvenile taken into custody—

> *(A) to determine the likelihood that such juvenile will commit a subsequent offense; and*
>
> *(B) to provide appropriate interventions to prevent such juvenile from committing subsequent offenses;*

(10) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

(11) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering services to juveniles;

(12) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

(13) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

(14) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

(15) family strengthening activities, such as mutual support groups for parents and their children;

(16) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

(17) programs that focus on the needs of young girls at-risk of delinquency or status offenses; and

(18) other activities that are likely to prevent juvenile delinquency.

SEC. 242. ALLOCATION.

Funds appropriated to carry out this part shall be allocated among eligible States as follows:

(1) Fifty percent of such amount shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

(2) Fifty percent of such amount shall be allocated proportionately based on the annual average number of arrests for serious crimes committed in the eligible States by juveniles during the then most recently completed period of 3 consecutive calendar years for which sufficient information is available to the Administrator.

SEC. 243. ELIGIBILITY OF STATES.

(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

(1) An assurance that the State will use—

(A) not more than 5 percent of such grant, in the aggregate, for—

(i) the costs incurred by the State to carry out this part; and

(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

(B) the remainder of such grant to make grants under section 244.

(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

(4) An assurance that each eligible entity described in section 244(a) that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

(5) Such other information and assurances as the Administrator may reasonably require by rule.

(b) APPROVAL OF APPLICATIONS.—

(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

(2) Limitation.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

(A)(i) the State submitted an plan under section 223 for such fiscal year; and

(ii) such plan is approved by the Administrator for such fiscal year; or

(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

SEC. 244. GRANTS FOR LOCAL PROJECTS.

(a) Selection From Among Applications.—(1) Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State in accordance with subsection (b) to carry out projects and activities described in section 241.

(2) For purposes of making such grants, the State shall give special consideration to eligible entities that—

(A) propose to carry out such projects in geographical areas in which there is—

(i) a disproportionately high level of serious crime committed by juveniles; or

(ii) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

(B)(i) agreed to carry out such projects or activities that are multidisciplinary and involve 2 or more eligible entities; or

(ii) represent communities that have a developed plan designed to prevent, or reduce the rate of, juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

(C) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

(b) Receipt of Applications.—(1) Subject to paragraph (2), a unit of general local government shall submit to the State simultaneously all applications that are—

(A) timely received by such unit from eligible entities; and

(B) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

(2) If an application submitted to such unit by an eligible entity satisfies the requirements specified in subparagraphs (A) and (B) of paragraph (1), such entity may submit such application directly to the State.

SEC. 245. ELIGIBILITY OF ENTITIES.

(a) Eligibility.—Subject to subsections (b) and except as provided in subsection (c), to be eligible to receive a grant under section 244, a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority),

nonprofit private organization, unit of general local government, or social service provider, and or other entity with a demonstrated history of involvement in the prevention of juvenile delinquency, shall submit to a unit of general local government an application that contains the following:

(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (14) of section 241 as specified in, such application.

(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

(3) A statement identifying the research (if any) such entity relied on in preparing such application.

(b) Review and Submission of Applications.—Except as provided in subsection (c), an entity shall not be eligible to receive a grant under section 244 unless—

(1) such entity submits to a unit of general local government an application that—

(A) satisfies the requirements specified in subsection (a); and

(B) describes a project or activity to be carried out in the geographical area under the jurisdiction of such unit; and

(2) such unit determines that such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

(c) Limitation.—If an entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.

PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

(a) Research and Evaluation.—(1) The Administrator may—

(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency au-

thorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

(iv) successful efforts to prevent recidivism;

(v) the juvenile justice system;

(vi) juvenile violence; and

(vii) other purposes consistent with the purposes of this title and title I.

(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

(b) STATISTICAL ANALYSES.—The Administrator may—

(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consist with the purposes of this title and title I.

(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

(e) INFORMATION DISSEMINATION.—The Administrator may—

(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.

(a) TRAINING.—The Administrator may—

(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

(b) TECHNICAL ASSISTANCE.—The Administrator may—

(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.

PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

SEC. 261. GRANTS AND PROJECTS.

(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.

The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

SEC. 263. ELIGIBILITY.

To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

SEC. 264. REPORTS.

Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.

PART [I] *F*—GENERAL AND ADMINISTRATIVE PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 299. [(a)(1) To carry out the purposes of this title (other than parts D, E, F, G, H, and I) there are authorized to be appropriated $150,000,000 for fiscal years 1993, 1994, 1995, and 1996. Funds appropriated for any fiscal year shall remain available for obligation until expended.

[(2)(A) Subject to subparagraph (B), to carry out part D, there are authorized to be appropriated—

[(i) to carry out subpart 1, $25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996; and

[(ii) to carry out subpart 2, $25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.

[(B) No funds may be appropriated to carry out part D, E, F, G, or I of this title or title V or VI for a fiscal year unless the aggregate amount appropriated to carry out this title (other than part D, E, F, G, or I of this title or title V or VI) for the fiscal year is not less than the aggregate amount appropriated to carry out this title (other than part D, E, F, G, or I of this title or title V or VI) for the preceding fiscal year.

[(3) To carry out part E, there are authorized to be appropriated $50,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, and 1996.

[(4)(A) Subject to subparagraph (B), there are authorized to be appropriated to carry out part F—

[(i) $15,000,000 for fiscal year 1993; and [(ii) such sums as are necessary for fiscal years 1994, 1995, and 1996.

[(B) No amount is authorized to be appropriated for a fiscal year to carry out part F unless the aggregate amount appropriated to carry out this title for that fiscal year is not less than the aggregate amount appropriated to carry out this title for the preceding fiscal year.

[(C) From the amount appropriated to carry out part F in a fiscal year, the Administrator shall use—

[(i) not less than 85 percent to make grants for treatment and transitional services;

[(ii) not to exceed 10 percent for grants for research; and

[(iii) not to exceed 5 percent for salaries and expenses of the Office of Juvenile Justice and Delinquency Prevention related to administering part F.

[(5)(A) Subject to subparagraph (B), there are authorized to be appropriated to carry out part G such sums as are necessary for fiscal years 1993, 1994, 1995, and 1996.

[(6)(A) There are authorized to be appropriated to carry out part H such sums as are necessary for fiscal year 1993, to remain available until expended, of which—

[(i) not more than $12,500,000 shall be used to convert any 1 closed military base or to modify any 1 existing military base or other designated facility to a boot camp; and

[(ii) not more than $2,500,000 shall be used to operate any 1 boot camp during a fiscal year.

[(B) No amount is authorized to be appropriated for a fiscal year to carry out part H unless the aggregate amount appropriated to carry out parts A, B, and C of this title for that fiscal year is not less than 120 percent of the aggregate amount appropriated to carry out those parts for fiscal year 1992.

[(7)(A) There are authorized to be appropriated such sums as are necessary for each National Conference and associated State and regional conferences under part I, to remain available until expended.

[(B) New spending authority or authority to enter into contracts under part I shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

[(C) No funds appropriated to carry out this Act shall be made available to carry out part I other than funds appropriated specifically for the purpose of conducting the Conference.

[(D) Any funds remaining unexpended at the termination of the Conference under part I, including submission of the report pursuant to section 291D, shall be returned to the Treasury of the United States and credited as miscellaneous receipts.

[(b) Of such sums as are appropriated to carry out the purposes of this title (other than part D)—

[(1) not to exceed 5 percent shall be available to carry out part A;

[(2) not less than 70 percent shall be available to carry out part B; and

[(3) 25 percent shall be available to carry out part C.

[(c) Notwithstanding any other provision of law, the Administrator shall—

[(1) establish appropriate administrative and supervisory board membership requirements for a State agency responsible for supervising the preparation and administration of the State plan submitted under section 223 and permit the State advisory group appointed under section 223(a)(3) to operate as the supervisory board for such agency, at the discretion of the Governor; and

[(2) approve any appropriate State agency designated by the Governor of the State involved in accordance with paragraph (1).]

(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 1998, 1999, 2000, and 2001.

(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

(A) not more than 5 percent shall be available to carry out part A;

(B) not less than 80 percent shall be available to carry out part B; and

(C) not more than 15 percent shall be available to carry out part D.

(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

* * * * * * *

[(e) Of such sums as are appropriated to carry out section 261(a)(6), not less than 20 percent shall be reserved by the Administrator for each of fiscal years 1993, 1994, 1995, and 1996, for not less than 2 programs that have not received funds under subpart II of part C prior to October 1, 1992, which shall be selected through the application and approval process set forth in section 262.]

ADMINISTRATIVE AUTHORITY

SEC. 299A. (a) * * *

* * * * * * *

(d) The Administrator is authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary for the exercise of the functions of the Office and [as are consistent with the purpose of this Act] *only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance.*

(e) If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then

for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.

* * * * * * *

USE OF FUNDS

SEC. 299C. (a) Funds paid pursuant to this title to any public or private agency, organization, or institution, or to any individual (either directly or through a State planning agency) **[**may be used for**]**—

(1) *may be used for* planning, developing, or operating the program designed to carry out this title; and

[(2) not more than 50 per centum of the cost of the construction of any innovative community-based facility for fewer than 20 persons which, in the judgment of the Administrator, is necessary to carry out this title.**]**

(2) may not be used for the cost of construction of any facility, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.

[(b) Except as provided in subsection (a), no funds paid to any public or private agency, or institution or to any individual under this title (either directly or through a State agency or local agency) may be used for construction.**]**

[(c)**]** *(b)*(1) Funds paid pursuant to section 223(a)(10)(D) and section 261(a)(3) to any public or private agency, organization, or institution or to any individual shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device intended or designed to influence a Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this paragraph shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved.

(2) The Administrator shall take such action as may be necessary to ensure that no funds paid under section 223(a)(10)(D) or section 261(a)(3) are used either directly or indirectly in any manner prohibited in this paragraph

PAYMENTS

SEC. 299D. (a) * * *

* * * * * * *

[(d) If the Administrator determines, on the basis of information available to the Administrator during any fiscal year, that a portion of the funds granted to an applicant under part C for such fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 802 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended from time to time, that portion shall be available for reallocation in an equitable manner to States which comply with the requirements in paragraphs (12)(A) and (13) of section 223(a), under section 261(b)(6).]

* * * * * * *

SEC. 299F. LIMITATION ON USE OF FUNDS.

None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.

SEC. 299G. RULES OF CONSTRUCTION.

Nothing in this title or title I shall be construed—

(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.

SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.

SEC. 299I. ISSUANCE OF RULES.

The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.

* * * * * * *

[TITLE IV—EXTENSION AND AMENDMENT OF THE JUVENILE DELINQUENCY PREVENTION ACT

[YOUTH DEVELOPMENT DEMONSTRATIONS

[SEC. 401. Title I of the Juvenile Delinquency Prevention Act is amended (1) in the caption thereof, by inserting "AND DEMONSTRATION PROGRAMS" after "SERVICES"; (2) following the caption thereof, by inserting "PART A—COMMUNITY-BASED COORDINATED YOUTH SERVICES"; (3) in sections 101, 102(a), 102(b)(1), 102(b)(2), 103(a) (including paragraph (1) thereof), 104(a) (including paragraphs (1), (4), (5), (7), and (10) thereof), and 104(b) by striking out "title" and inserting "part" in lieu thereof; and (4) by inserting at the end of the title following new part:

["PART B—DEMONSTRATIONS IN YOUTH DEVELOPMENT

["SEC. 105. (a) For the purpose of assisting the demonstration of innovative approaches to youth development and the prevention and treatment of delinquent behavior (including payment of all or part of the costs of minor remodeling or alteration), the Secretary may make grants to any State (or political subdivision thereof), any agency thereof, and any nonprofit private agency, institution, or organization that submits to the Secretary, at such time and in such form and manner as the Secretary's regulations shall prescribe, an application containing a description of the purposes for which the grant is sought, and assurances satisfactory to the Secretary that the applicant will use the grant for the purposes for which it is provided, and will comply with such requirements relating to the submission of reports, methods of fiscal accounting, the inspection and audit of records and other materials, and such other rules, regulations, standards, and procedures, as the Secretary may impose to assure the fulfillment of the purposes of this Act.

["(b) No demonstrations may be assisted by a grant under this section for more than one year."

[CONSULTATION

[SEC. 402. (a) Section 408 of such Act is amended by adding at the end of subsection (a) thereof the following new subsection:

["(b) The Secretary shall consult with the Attorney General for the purpose of coordinating the development and implementation of programs and activities funded under this Act with those related programs and activities funded under the Omnibus Crime Control and Safe Streets Act of 1968";

and by deleting subsection (b) thereof.

[(b) Section 409 is repealed.

[REPEAL OF MINIMUM STATE ALLOTMENTS

[SEC. 403. Section 403(b) of such Act is repealed, and section 403(a) of such Act is redesignated section 403.

[EXTENSION OF PROGRAM

[SEC. 404. Section 402 of such Act, as amended by this Act, is further amended in the first sentence by inserting after "fiscal year" the following: "and such sums as may be necessary for fiscal year 1975".

[TITLE V—MISCELLANEOUS AND CONFORMING AMENDMENTS

[PART A—AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

[SEC. 501. Section 5031 of title 18, United States Code, is amended to read as follows:

[“§ 5031. Definitions

["For the purposes of this chapter, a 'juvenile' is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-fifth birthday, and 'juvenile delinquency' is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult."

[DELINQUENCY PROCEEDINGS IN DISTRICT COURT

[SEC. 502. Section 5032 of title 18, United States Code, is amended to read as follows:

[“§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution

[“A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the needs of juveniles.

[“If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

[“If an alleged juvenile delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

[“A juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult, except that, with respect to a juvenile sixteen years and older alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, such transfer would be in the interest of justice.

[“Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing whether a transfer would be in the interest of justice: the age and social background of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; the availability of programs designed to treat the juvenile's behavioral problems.

[“Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

[“Once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

[“Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions.”

[CUSTODY

[SEC. 503. Section 5033 of title 18, United States Code, is amended to read as follows:

[“§ 5033. Custody prior to appearance before magistrate

[“Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensive to a juvenile, and shall immediately notify the Attorney General and the juvenile's parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.

[“The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for longer than a reasonable period of time before being brought before a magistrate.”

[DUTIES OF MAGISTRATE

[SEC. 504. Section 5034 of title 18, United States Code, is amended to read as follows:

[“§ 5034. Duties of magistrate

[“The magistrate shall insure that the juvenile is represented by counsel before proceeding with critical stages of the proceedings. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian, or custodian are financially unable to obtain adequate representation. In cases where the juvenile and his parents, guardian, or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian, or custodian to retain private counsel within a specified period of time.

[“The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

[“If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents, guardian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, at which the juvenile is represented by counsel, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others.”

[DETENTION

[SEC. 505. Section 5035 of this title is amended to read as follows:

[“§ 5035. Detention prior to disposition

[“A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. Whenever possible, detention shall be in a foster home or community-based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.”

[SPEEDY TRIAL

[SEC. 506. Section 5036 of this title is amended to read as follows:

[“§ 5036. Speedy trial

[“If an alleged delinquent who is in detention pending trial is not brought to trial within thirty days from the date upon which such detention was begun, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay was caused by the juvenile or his counsel, or consented to by the juvenile and his counsel, or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice. Except in extraordinary circumstances, an information dismissed under this section may not be reinstituted.”

[DISPOSITION

[SEC. 507. Section 5037 is amended to read as follows:

[“§ 5037. Dispositional hearing

[“(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than twenty court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the government a reasonable time in advance of the hearing.

[“(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment, or commitment in accordance with subsection (c) shall not extend beyond the juvenile’s twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner, unless the juvenile has attained his nineteenth birthday at the time of disposition, in which case probation, commitment, or commitment in accordance with subsection (c) shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

["(c) If the court desires more detailed information concerning an alleged or adjudicated delinquent, it may commit him, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and his attorney. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time."

[JUVENILE RECORDS

[SEC. 508. Section 5038 is added, to read as follows:

["§ 5038. Use of juvenile records

["(a) Throughout the juvenile delinquency proceeding the court shall safeguard the records from disclosure. Upon the completion of any juvenile delinquency proceeding whether or not there is an adjudication the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except to the extent necessary to meet the following circumstances:

["(1) inquiries received from another court of law;

["(2) inquiries from an agency preparing a presentence report for another court;

["(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

["(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; and

["(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

Unless otherwise authorized by this section, information about the sealed record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made a bout persons who have never been involved in a delinquency proceeding.

["(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to the sealing of his juvenile record.

[“(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.

[“(d) Unless a juvenile who is taken into custody is prosecuted as an adult—

[“(1) neither the fingerprints nor a photograph shall be taken without the written consent of the judge; and

[“(2) neither the name nor picture of any juvenile shall be made public by any medium of public information in connection with a juvenile delinquency proceeding.”

[COMMITMENT

[SEC. 509. Section 5039 is added, to read as follows:

[“§ 5039. Commitment

[“No juvenile committed to the custody of the Attorney General may be placed or retained in an adult jail or correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

[“Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

[“Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.”

[SUPPORT

[SEC. 510. Section 5040 is added, to read as follows:

[“§ 5040. Support

[“The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for ‘support of United States prisoners’ or such other appropriations as he may designate.”

[PAROLE

[SEC. 511. Section 5041 is added to read as follows:

[“§ 5041. Parole

[“The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice."

[REVOCATION

[SEC. 512. Section 5042 is added to read as follows:

[“§ 5042. Revocation of parole or probation

[“Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked.”

[SEC. 513. The table of sections of chapter 403 of this title is amended to read as follows:

[“Sec.
[“5031. Definitions.
[“5032. Delinquency proceedings in district courts; transfer for criminal prosecution.
[“5033. Custody prior to appearance before magistrate.
[“5034. Duties of magistrate.
[“5035. Detention prior to disposition.
[“5036. Speedy trial.
[“5037. Dispositional hearing.
[“5038. Use of juvenile records.
[“5039. Commitment.
[“5040. Support.
[“5041. Parole.
[“5042. Revocation.”.

[PART B—NATIONAL INSTITUTE OF CORRECTIONS

[SEC. 521. Title 18, United States Code, is amended by adding a new chapter 319 to read as follows:

[“CHAPTER 319—NATIONAL INSTITUTE OF CORRECTIONS

[“SEC. 4351. (a) There is hereby established within the Bureau of Prisons a National Institute of Corrections.

[“(b) The overall policy and operations of the National Institute of Corrections shall be under the supervision of an Advisory Board. The Board shall consist of sixteen members. The following six individuals shall serve as members of the Commission ex officio: the Director of the Federal Bureau of Prisons or his designee, the Administrator of the Law Enforcement Assistance Administration or his designee, Chairman of the United States Parole Board or his designee, the Director of the Federal Judicial Center or his designee, the Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention or his designee, and the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare or his designee.

[“(c) The remaining ten members of the Board shall be selected as follows:

[“(1) Five shall be appointed initially by the Attorney General of the United States for staggered terms; one member shall serve for one year, one member for two years, and three members for three years. Upon the expiration of each member's term, the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be qualified as a practitioner (Federal, State, or local) in the field of corrections, probation, or parole.

[“(2) Five shall be appointed initially by the Attorney General of the United States for staggered terms, one member shall serve for one year, three members for two years, and one member for three years. Upon the expiration of each member's term the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be from the private sector, such as business, labor, and education, having demonstrated an active interest in corrections, probation, or parole.

[“(d) The members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States. Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Commission pursuant to this title, be entitled to receive compensation at the rate not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code, including travel-time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

[“(e) The Board shall elect a chairman from among its members who shall serve for a term of one year. The members of the Board shall also elect one or more members as a vice-chairman.

[“(f) The Board is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Institute with respect to the administration of this title as it deems appropriate. Members of these committees not otherwise employed by the United States, while engaged in advising the Institute or attending meetings of the committees, shall be entitled to receive compensation at the rate fixed by the Board but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

[“(g) The Board is authorized to delegate its powers under this title to such persons as it deems appropriate.

[“(h) The Institute shall be under the supervision of an officer to be known as the Director, who shall be appointed by the Attorney General after consultation with the Board. The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel, subject to the civil service and classification laws, as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Board. The Director is authorized to delegate his powers under this title to such persons as he deems appropriate.

["SEC. 4352. (a) In addition to the other powers, express and implied, the National Institute of Corrections shall have authority—

["(1) to receive from or make grants to and enter into contracts with Federal, State, and general units of local government, public and private agencies, educational institutions, organizations, and individuals to carry out the purposes of this chapter;

["(2) to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on corrections, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal and juvenile offenders;

["(3) to assist and serve in a consulting capacity to Federal, State, and local courts, departments, and agencies in the development, maintenance, and coordination of programs, facilities, and services, training, treatment, and rehabilitation with respect to criminal and juvenile offenders;

["(4) to encourage and assist Federal, State, and local government programs and services, and programs and services of other public and private agencies, institutions, and organizations in their efforts to develop and implement improved corrections programs;

["(5) to devise and conduct, in various geographical locations, seminars, workshops, and training programs for law enforcement officers, judges, and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay ex-offenders, and paraprofessional personnel, connected with the treatment and rehabilitation of criminal and juvenile offenders;

["(6) to develop technical training teams to aid in the development of seminars, workshops, and training programs within the several States and with the State and local agencies which work with prisoners, parolees, probationers, and other offenders;

["(7) to conduct, encourage, and coordinate research relating to corrections, including the causes, prevention, diagnosis, and treatment of criminal offenders;

["(8) to formulate and disseminate correctional policy, goals, standards, and recommendations for Federal, State, and local correctional agencies, organizations, institutions, and personnel;

["(9) to conduct evaluation programs which study the effectiveness of new approaches, techniques, systems, programs, and devices employed to improve the corrections systems;

["(10) to receive from any Federal department or agency such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the

Institute and shall, to the maximum extent practicable, consult with and furnish information to the Institute;

[“(11) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel, facilities, or equipment of such departments and agencies;

[“(12) to confer with and avail itself of the assistance, services, records, and facilities of State and local governments or other public or private agencies, organizations, or individuals;

[“(13) to enter into contracts with public or private agencies, organizations, or individuals, for the performance of any of the functions of the Institute; and

[“(14) to procure the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code, at rates of compensation not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 of the United States Code.

[“(b) The Institute shall on or before the 31st day of December of each year submit an annual report for the preceding fiscal year to the President and to the Congress. The report shall include a comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishments under this title and may include such recommendations related to corrections as the Institute deems appropriate.

[“(c) Each recipient of assistance under this shall keep such records as the Institute shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

[“(d) The Institute, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purposes of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

[“(e) The provision of this section shall apply to all recipients of assistance under this title, whether by direct grant or contract from the Institute or by subgrant or subcontract from primary grantees or contractors of the Institute.

[“SEC. 4353. There is hereby authorized to be appropriated such funds as may be required to carry out the purposes of this chapter.”

[PART C—CONFORMING AMENDMENTS

[SEC. 541. (a) The section titled “DECLARATION AND PURPOSE” in title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended by inserting immediately after the second paragraph thereof the following new paragraph:

[“Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources, and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.".

[(b) Such section is further amended by adding at the end thereof the following new paragraph:

["It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination to (1) develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile justice and delinquency prevention.".

[SEC. 542. The third sentence of section 203(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended to read as follows: "The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations including organizations directly related to delinquency prevention.".

[SEC. 543. Section 303(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after the first sentence the following: "In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act.".

[SEC. 544. Section 520 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by (1) inserting "(a)" after "SEC. 520." and (2) by inserting at the end thereof the following:

["(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall expend from other Law Enforcement Assistance Administration appropriations, other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs as was expended by the Administration during fiscal year 1972.".

[SEC. 545. Part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new sections:

["SEC. 526. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

["SEC. 527. All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

["SEC. 528. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

["(b) Notwithstanding the provisions of section 5108 of title 5, United States Code, and without prejudice with respect to the number of positions otherwise placed in the Administration under such section 5108, the Administrator may place three positions in GS–16, GS–17, and GS–18 under section 5332 of such title 5."

[TITLE V—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

[SEC. 501. SHORT TITLE.

[This title may be cited as the "Incentive Grants for Local Delinquency Prevention Programs Act".

[SEC. 502. FINDINGS.

[The Congress finds that—

[(1) approximately 700,000 youth enter the juvenile justice system every year;

[(2) Federal, State, and local governments spend close to $2,000,000,000 a year confining many of those youth;

[(3) it is more effective in both human and fiscal terms to prevent delinquency than to attempt to control or change it after the fact;

[(4) half or more of all States are unable to spend any juvenile justice formula grant funds on delinquency prevention because of other priorities;

[(5) few Federal resources are dedicated to delinquency prevention; and

[(6) Federal incentives are needed to assist States and local communities in mobilizing delinquency prevention policies and programs.

[SEC. 503. DEFINITION.

[In this title, the term "State advisory group" means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a).

[SEC. 504. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.

[The Administrator shall—

[(1) issue such rules as are necessary or appropriate to carry out this title;

[(2) make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention (including the preparation of an annual comprehensive plan for facilitating such coordination and policy development);

[(3) provide adequate staff and resources necessary to properly carry out this title; and

[(4) not later than 180 days after the end of each fiscal year, submit a report to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate—

[(A) describing activities and accomplishments of grant activities funded under this title;

[(B) describing procedures followed to disseminate grant activity products and research findings;

[(C) describing activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and

[(D) identifying successful approaches and making recommendations for future activities to be conducted under this title.

[SEC. 505. GRANTS FOR PREVENTION PROGRAMS.

[(a) PURPOSES.—The Administrator may make grants to a State, to be transmitted through the State advisory group to units of general local government that meet the requirements of subsection (b), for delinquency prevention programs and activities for youth who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to children, youth, and families of—

[(1) recreation services;

[(2) tutoring and remedial education;

[(3) assistance in the development of work awareness skills;

[(4) child and adolescent health and mental health services;

[(5) alcohol and substance abuse prevention services;

[(6) leadership development activities; and

[(7) the teaching that people are and should be held accountable for their actions.

[(b) ELIGIBILITY.—The requirements of this subsection are met with respect to a unit of general local government if—

[(1) the unit is in compliance with the requirements of part B of title II;

[(2) the unit has submitted to the State advisory group a 3-year plan outlining the unit's local front end plans for investment for delinquency prevention and early intervention activities;

[(3) the unit has included in its application to the Administrator for formula grant funds a summary of the 3-year plan described in paragraph (2);

[(4) pursuant to its 3-year plan, the unit has appointed a local policy board of no fewer than 15 and no more than 21 members with balanced representation of public agencies and private, nonprofit organizations serving children, youth, and families and business and industry;

[(5) the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk youth and their families, including such programs as nutrition, energy assistance, and housing;

[(6) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this title; and

[(7) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

[(c) PRIORITY.—In considering grant applications under this section, the Administrator shall give priority to applicants that demonstrate ability in—

[(1) plans for service and agency coordination and collaboration including the colocation of services;

[(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities; and

[(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention.

[SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

[To carry out this title, there are authorized to be appropriated $30,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.]

* * * * * * *

SECTION 5315 OF TITLE 5, UNITED STATES CODE

§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Deputy Administrator of General Services.

Associate Administrator of the National Aeronautics and Space Administration.

* * * * * * *

Administrator, [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention.*

* * * * * * *

SECTION 4351 OF TITLE 18, UNITED STATES CODE

SEC. 4351. (a) There is hereby established within the Bureau of Prisons a National Institute of Corrections.

(b) The overall policy and operations of the National Institute of Corrections shall be under the supervision of an Advisory Board. The Board shall consist of sixteen members. The following six individuals shall serve as members of the Commission ex officio: the Director of the Federal Bureau of Prisons or his designee, the Director of the Bureau of Justice Assistance or his designee, Chairman of the United States Sentencing Commission or his designee, the Director of the Federal Judicial Center or his designee, the Associate Administrator for the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention* or his designee, and the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare or his designee.

* * * * * * *

SECTION 3220 OF TITLE 39, UNITED STATES CODE

§3220. Use of official mail in the location and recovery of missing children

(a)(1) The [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, after consultation with appropriate public and private agencies, shall prescribe general guidelines under which penalty mail may be used to assist in the location and recovery of missing children. The guidelines shall provide information relating to—

(A) the form and manner in which materials and information relating to missing children (such as biographical data and pictures, sketches, or other likenesses) may be included in penalty mail;

(B) appropriate sources from which such materials and information may be obtained;

(C) the procedures by which such materials and information may be obtained; and

(D) any other matter which the Office considers appropriate.

* * * * * * *

(c) As used in this section, "[Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*" and "Office" each means the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention* within the Department of Justice, as established by section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974.

SECTION 463 OF THE SOCIAL SECURITY ACT

USE OF FEDERAL PARENT LOCATOR SERVICE IN CONNECTION WITH THE ENFORCEMENT OR DETERMINATION OF CHILD CUSTODY AND IN CASES OF PARENTAL KIDNAPING OF A CHILD

SEC. 463. (a) * * *

* * * * * * *

(f) The Secretary shall enter into an agreement with the Attorney General of the United States, under which the services of the Federal Parent Locator Service established under section 453 shall be made available to the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention* upon its request to locate any parent or child on behalf of such Office for the purpose of—

(1) enforcing any State or Federal law with respect to the unlawful taking or restraint of a child, or

(2) making or enforcing a child custody determination.

The Federal Parent Locator Service shall charge no fees for services requested pursuant to this subsection.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

TITLE I—JUSTICE SYSTEM IMPROVEMENT

* * * * * * *

PART H—ADMINISTRATIVE PROVISIONS

CONSULTATION; ESTABLISHMENT OF RULES AND REGULATIONS

SEC. 801. (a) The Office of Justice Programs, the Bureau of Justice Assistance, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, the Bureau of Justice Statistics, and the National Institute of Justice are authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of their functions, and as are consistent with the stated purposes of this title.

* * * * * * *

APPELLATE COURT REVIEW

SEC. 804. (a) If any applicant or recipient is dissatisfied with a final action with respect to section 802, 803, or 809(c)(2)(G) of this part, such applicant or recipient may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or recipient is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action. A copy of the petition shall forthwith be transmitted by the petitioner to the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, or the National Institute of Justice, as appropriate, and the Attorney General of the United States, who shall represent the Federal Government in the litigation. The Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, or the National Institute of Justice, as appropriate, shall thereupon file in the court the record of the proceeding on which the action was based, as provided in section 2112 of title 28, United States Code. No objection to the action shall be considered by the court unless such objection has been urged before the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile*

Crime Control and Delinquency Prevention, or the National Institute of Justice, as appropriate.

(b) The court shall have jurisdiction to affirm or modify a final action or to set it aside in whole or in part. The findings of fact by the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, or the National Institute of Justice, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Office of Justice Programs, Bureau of Justice Assistance, the National Institute of Justice, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, or the Bureau of Justice Statistics, to take additional evidence to be made part of the record. The Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, or the National Institute of Justice, may thereupon make new or modified findings of fact by reason of the new evidence so taken and filed with the court and shall file such modified or new findings along with any recommendations such entity may have for the modification or setting aside of such entity's original action. All new or modified findings shall be conclusive with respect to questions of fact if supported by substantial evidence when the record as a whole is considered.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, or the National Institute of Justice, or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certifications as provided in section 1254 of title 28, United States Code.

DELEGATION OF FUNCTIONS

SEC. 805. The Attorney General, the Assistant Attorney General, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, the Administrator of the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, and the Director of the Bureau of Justice Assistance may delegate to any of their respective officers or employees such functions under this title as they deem appropriate.

ADMINISTRATION OF JUVENILE DELINQUENCY PROGRAMS

SEC. 813. The Director of the National Institute of Justice and the Director of the Bureau of Justice Statistics shall work closely with the Administrator of the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delin-*

quency Prevention in developing and implementing programs in the juvenile justice and delinquency prevention field.

* * * * * * *

VICTIMS OF CHILD ABUSE ACT OF 1990

TITLE II—VICTIMS OF CHILD ABUSE ACT OF 1990

SEC. 201. SHORT TITLE.

This title may be cited as the "Victims of Child Abuse Act of 1990".

Subtitle A—Improving Investigation and Prosecution of Child Abuse Cases

* * * * * * *

SEC. 214. LOCAL CHILDREN'S ADVOCACY CENTERS.

(a) IN GENERAL.—The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime, shall make grants to develop and implement multidisciplinary child abuse investigation and prosecution programs.

(b) GRANT CRITERIA.—(1) The Director shall establish the criteria to be used in evaluating applications for grants under this section consistent with sections [262, 293, and 296 of subpart II of title II] *299B and 299E* of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665 et seq.).

* * * * * * *

SEC. 214A. GRANTS FOR SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.

(a) * * *

* * * * * * *

(c) GRANT CRITERIA.—

(1) The Administrator shall establish the criteria to be used for evaluating applications for grants under this section, consistent with sections [262, 293, and 296 of subpart II of title II] *299B and 299E* of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5665 et seq.).

* * * * * * *

SEC. 217. STRENGTHENING OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

(a) IN GENERAL.—The Administrator of the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention* shall make grants to expand the court-appointed special advocate program.

* * * * * * *

Subtitle C—Child Abuse Training Programs for Judicial Personnel and Practitioners

* * * * * * *

SEC. 222. GRANTS FOR JUVENILE AND FAMILY COURT PERSONNEL.

In order to improve the judicial system's handling of child abuse and neglect cases, the Administrator of the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention* shall make grants for the purpose of providing—

(1) technical assistance and training to judicial personnel and attorneys, particularly personnel and practitioners in juvenile and family courts; and

(2) administrative reform in juvenile and family courts.

* * * * * * *

SEC. 223. SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.

(a) * * *

* * * * * * *

(c) GRANT CRITERIA.—The Administrator shall make grants under subsections (a) and (b) consistent with [sections 262, 293, and 296] *sections 262, 299B, and 299E* of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665 et seq.).

* * * * * * *

MISSING CHILDREN'S ASSISTANCE ACT

TITLE IV—MISSING CHILDREN

SHORT TITLE

SEC. 401. This title may be cited as the "Missing Children's Assistance Act".

* * * * * * *

DEFINITIONS

SEC. 403. For the purpose of this title—

(1) * * *

(2) the term "Administrator" means the Administrator of the Office of Juvenile [Justice and Delinquency Prevention] *Crime Control and Delinquency Prevention*.

* * * * * * *

DUTIES AND FUNCTIONS OF THE ADMINISTRATOR

SEC. 404. (a) The Administrator shall—

(1) * * *

* * * * * * *

(5) not later than 180 days after the end of each fiscal year, submit a report to the President, Speaker of the House of Representatives, and the President pro tempore of the Senate—

(A) * * *

* * * * * * *

(E) describing in detail the number and types of telephone calls received in the preceding fiscal year over the national toll-free telephone line established under subsection (b)(1)(A) and the number and types of communications referred to the national communications system established under section [313] *331*;

(b) The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies[, shall]—

(1)(A) *shall* establish and operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

(B) [coordinating] *shall coordinate* the operation of such telephone line with the operation of the national communications system established under section [313] *331*;

* * * * * * *

(2) *for any fiscal year for which no funds are appropriated under section 2 of the Missing and Exploited Children Act of 1997, shall* establish and operate a national resource center and clearinghouse designed—

(A) * * *

* * * * * * *

(3) *shall* periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

(4) *shall* provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.

* * * * * * *

CRIME CONTROL ACT OF 1990

TITLE II—VICTIMS OF CHILD ABUSE ACT OF 1990

SEC. 201. SHORT TITLE.

This title may be cited as the "Victims of Child Abuse Act of 1990".

* * * * * * *

SEC. 217. STRENGTHENING OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

(a) * * *

* * * * * * *

(c) GRANT CRITERIA.—(1) The Administrator shall establish criteria to be used in evaluating applications for grants under this section, consistent with [sections 262, 293, and 296 of subpart II of title II] *sections 299B and 299E* of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665 et seq.).

* * * * * * *

SEC. 223. SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.

(a) * * *

* * * * * * *

(c) GRANT CRITERIA.—The Administrator shall make grants under subsections (a) and (b) consistent with [section 262, 293, and 296 of title II] *sections 299B and 299E* of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665 et seq.).

* * * * * * *

RUNAWAY AND HOMELESS YOUTH ACT

TITLE III—RUNAWAY AND HOMELESS YOUTH

SHORT TITLE

SEC. 301. This title may be cited as the "Runaway and Homeless Youth Act".

FINDINGS

SEC. 302. The Congress hereby finds that—

(1) * * *

* * * * * * *

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop [accurate reporting of the problem nationally] *an accurate national reporting system to report the problem,* and to develop an effective system of care (including preventive services, emergency

shelter services, and extended residential shelter) outside the welfare system and the law enforcement system;

* * * * * * *

[(8) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop an accurate national reporting system and to develop an effective system of care including prevention, emergency shelter services, and longer residential care outside the public welfare and law enforcement structures;]

(8) services for runaway and homeless youth are needed in urban, suburban and rural areas;

* * * * * * *

PART A—RUNAWAY AND HOMELESS YOUTH GRANT PROGRAM

AUTHORITY TO MAKE GRANTS

SEC. 311. [(a) The Secretary shall make grants to public and private entities (and combinations of such entities) to establish and operate (including renovation) local runaway and homeless youth centers to provide services to deal primarily with the immediate needs of runaway or otherwise homeless youth, and their families, in a manner which is outside the law enforcement system, the child welfare system, the mental health system, and the juvenile justice system.] *(a)(1) The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.*

(2) Such services—

(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

(B) shall include—

(i) safe and appropriate shelter; and

(ii) individual, family, and group counseling, as appropriate; and

(C) may include—

(i) street-based services;

(ii) home-based services for families with youth at risk of separation from the family; and

(iii) drug abuse education and prevention services.

(b)(1) * * *

(2) Subject to paragraph (3), the amount allotted under paragraph (1) with respect to each State for a fiscal year shall be not less than $100,000, except that the amount allotted to the Virgin Islands of the United States, Guam, American Samoa, [the Trust Territory of the Pacific Islands,] and the Commonwealth of the Northern Mariana Islands shall be not less than $45,000 each.

* * * * * * *

[(4) In selecting among applicants for grants under subsection (a), the Secretary shall give priority to private entities that have experience in providing the services described in such subsection.

[(c)(1) If for a fiscal year the amount appropriated under section 385(a)(1) exceeds $50,000,000, the Secretary may make grants under this subsection for that fiscal year to entities that receive grants under subsection (a) to establish and operate street-based service projects for runaway and homeless youth.

[(2) For purposes of this part, the term "street-based services" includes—

[(i) street-based crisis intervention and counseling;

[(ii) information and referral for housing;

[(iii) information and referral for transitional living and health care services; and

[(iv) advocacy, education, and prevention services for—

[(I) alcohol and drug abuse;

[(II) sexually transmitted diseases including HIV/AIDS infection; and

[(III) physical and sexual assault.

[(d)(1) If for a fiscal year the amount appropriated under section 385(a)(1) exceeds $50,000,000, the Secretary may make grants for that fiscal year to entities that receive grants under subsection (a) to establish and operate home-based service projects for families that are separated, or at risk of separation, as a result of the physical absence of a runaway youth or youth at risk of family separation.

[(2) For purposes of this part—

[(A) the term "home-based service project" means a project that provides—

[(i) case management; and

[(ii) in the family residence (to the maximum extent practicable)—

[(I) intensive, time-limited, family and individual counseling;

[(II) training relating to life skills and parenting; and

[(III) other services;

designed to prevent youth from running away from their families or to cause runaway youth to return to their families;

[(B) the term "youth at risk of family separation" means an individual—

[(i) who is less than 18 years of age; and

[(ii)(I) who has a history of running away from the family of such individual;

[(II) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

[(III) who is at risk of entering the child welfare system or juvenile justice system, as a result of the lack of services available to the family to meet such needs; and

[(C) the term "time-limited" means for a period not to exceed 6 months.]

ELIGIBILITY

SEC. 312. (a) * * *

(b) In order to qualify for assistance under section 311(a), an applicant shall submit a plan to the Secretary including assurances that the applicant—

(1) * * *

* * * * * * *

(8) shall submit annual reports to the Secretary detailing how the center has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph [(6)] *(7)*;

* * * * * * *

(10) shall submit a budget estimate with respect to the plan submitted by such center under this subsection; [and]

(11) shall supply such other information as the Secretary reasonably deems necessary[.]*; and*

(12) shall submit to the Secretary an annual report that includes—

(A) information regarding the activities carried out under this part;

(B) the achievements of the project under this part carried out by the applicant; and

(C) statistical summaries describing—

(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

(ii) the services provided to such youth by the project;

in the year for which the report is submitted.

[(c) To be eligible for assistance under section 311(c), an applicant shall propose to establish, strengthen, or fund a street-based service project for runaway and homeless youth and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

[(1) to provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

[(2) to provide backup personnel for on-street staff;

[(3) to provide informational and health educational material to runaway and homeless youth in need of services;

[(4) to provide initial and periodic training of staff who provide services under the project;

[(5) to carry out outreach activities for runaway and homeless youth and to collect statistical information on runaway and homeless youth contacted through such activities;

[(6) to develop referral relationships with agencies and organizations that provide services or assistance to runaway and homeless youth, including law enforcement, education, social services, vocational education and training, public welfare, legal assistance, mental health and health care;

[(7) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds received under section 311(c), the achievements of the project under section 311(c) carried out by the applicant, and statistical summaries describing the number and the characteristics of the runaway and homeless youth who participate in such project in the year for which the report is submitted;

[(8) to implement such accounting procedures and fiscal control devices as the Secretary may require;

[(9) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under subsection 311(c);

[(10) to keep adequate statistical records that profile runaway and homeless youth whom it serves and not to disclose the identity of such youth in reports or other documents based on such statistical records;

[(11) not to disclose records maintained on an individual runaway and homeless youth without the informed consent of the youth, to any person other than an agency compiling statistical records; and

[(12) to provide to the Secretary such other information as the Secretary may reasonably require.

[(d) To be eligible for assistance under section 311(d), an applicant shall propose to establish, strengthen, or fund a home-based service project for runaway youth or youth at risk of family separation and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

[(1) to provide counseling and information services needed by runaway youth, youth at risk of family separation, and the family (including unrelated individuals in the family household) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parent training, financial planning, and referral to sources of other needed services;

[(2) to provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway youth and youth at risk of family separation affected by family crises);

[(3) to establish in partnership with the families of runaway youth and youth at risk of family separation, objectives and measures of success to be achieved as a result of participating in such project;

[(4) to provide informational and health educational material to runaway youth and youth at risk of family separation in need of services;

[(5) to provide initial and periodic training of staff who provide services under the project;

[(6) to carry out outreach activities for runaway youth and youth at risk of family separation, and to collect statistical information on runaway youth and youth at risk of family separation contacted through such activities;

[(7) to ensure that—

[(i) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family participating in such project; and

[(ii) qualified supervision will be provided to staff who provide services under the project;

[(8) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds under section 311(d), the achievements of the project under this part carried out by the applicant and statistical summaries describing the number and the characteristics of the runaway youth and youth at risk of family separation who participate in such project in the year for which the report is submitted;

[(9) to implement such accounting procedures and fiscal control devices as the Secretary may require;

[(10) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under section 311(d);

[(11) to keep adequate statistical records that profile runaway youth and youth at risk of family separation whom it serves and not to disclose the identity of such youth in reports or other documents based on such statistical records;

[(12) not to disclose records maintained on an individual runaway youth or youth at risk of family separation without the informed consent of the youth, to any person other than an agency compiling statistical records; and

[(13) to provide to the Secretary such other information as the Secretary may reasonably require.]

(c) To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

(2) provide backup personnel for on-street staff staff;

(3) provide initial and periodic training of staff who provide such services; and

(4) conduct outreach activities for runaway and homeless youth, and street youth.

(d) To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

(4) provide initial and periodic training of staff who provide home-based services; and

(5) ensure that—

(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

(B) staff providing such services will receive qualified supervision.

(e) To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

(1) a description of—

(A) the types of such services that the applicant proposes to provide;

(B) the objectives of such services; and

(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.

[APPROVAL BY SECRETARY

[SEC. 313. An application by a State, locality, or private entity for a grant under section 311 (a), (c), or (d) may be approved by the Secretary only if it is consistent with the applicable provisions of section 311 (a), (c), or (d) and meets the requirements set forth in section 312. Priority shall be given to grants smaller than $200,000. In considering grant applications under section 311(a), priority shall be given to organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families.]

APPROVAL OF APPLICATIONS

SEC. 313. (a) An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

(2) which areas of such State have the greatest need for such services.

(b) The Secretary shall, in considering applications for grants under section 311(a), give priority to—

(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

(2) eligible applicants that request grants of less than $200,000.

* * * * * * *

PART B—TRANSITIONAL LIVING GRANT PROGRAM

[PURPOSE AND] AUTHORITY FOR PROGRAM

SEC. 321. [(a)] The Secretary is authorized to make grants and to provide technical assistance to public and nonprofit private entities to establish and operate transitional living youth projects for homeless youth.

[(b) For purposes of this part—

[(1) the term "homeless youth" means any individual—

[(A) who is not less than 16 years of age and not more than 21 years of age;

[(B) for whom it is not possible to live in a safe environment with a relative; and

[(C) who has no other safe alternative living arrangement; and

[(2) the term "transitional living youth project" means a project that provides shelter and services designated to promote a transition to self-sufficient living and to prevent long-term dependency on social services.]

ELIGIBILITY

Sec. 322. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund a transitional living youth project for homeless youth and shall submit to the Secretary a plan in which such applicant agrees, as part of such project—

(1) * * *

* * * * * * *

(9) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds under this part, the achievements of the project under this part carried out by the applicant and statistical summaries describing the number and the characteristics of the homeless youth who participate in such project, *and the services provided to such youth by such project,* in the year for which the report is submitted;

* * * * * * *

Part C—National Communications System

AUTHORITY TO MAKE GRANTS

Sec. 331. [With funds reserved under section 385(a)(3), the Secretary] *The Secretary* shall make grants for a national communication system to assist runaway and homeless youth in communicating with their families and with service providers. The Secretary shall give priority to grant applicants that have experience in providing telephone services to runaway and homeless youth.

* * * * * * *

Part D—Coordinating, Training, Research, and Other Activities

* * * * * * *

AUTHORITY TO MAKE GRANTS FOR RESEARCH, *EVALUATION,* DEMONSTRATION, AND SERVICE PROJECTS

Sec. 343. (a) The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, *evaluation,* demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway youth and homeless youth.

(b) In selecting among applications for grants under subsection (a), the Secretary shall give special consideration to proposed projects relating to—

(1) youth who repeatedly leave and remain away from their homes;

[(2) home-based and street-based services for, and outreach to, runaway youth and homeless youth;]

[(3)] *(2)* transportation of runaway youth and homeless youth in connection with services authorized to be provided under this title;

[(4)] *(3)* the special needs of runaway youth and homeless youth programs in rural areas;

[(5)] *(4)* the special needs of programs that place runaway youth and homeless youth in host family homes;

[(6)] *(5)* staff training in—

(A) the behavioral and emotional effects of sexual abuse and assault;

(B) responding to youth who are showing effects of sexual abuse and assault; and

(C) agency-wide strategies for working with runaway and homeless youth who have been sexually victimized;

[(7)] *(6)* innovative methods of developing resources that enhance the establishment or operation of runaway and homeless youth centers;

[(8)] *(7)* training for runaway youth and homeless youth, and staff training, related to preventing and obtaining treatment for infection by the human immunodeficiency virus (HIV);

[(9)] *(8)* increasing access to health care (including mental health care) for runaway youth and homeless youth; and

[(10)] *(9)* increasing access to education for runaway youth and homeless youth.

* * * * * * *

[TEMPORARY DEMONSTRATION PROJECTS TO PROVIDE SERVICES TO YOUTH IN RURAL AREAS

[SEC. 344. (a)(1) With funds appropriated under section 385(c), the Secretary may make grants on a competitive basis to States, localities, and private entities (and combinations of such entities) to provide services (including transportation) authorized to be provided under part A, to runaway and homeless youth in rural areas.

[(2)(A) Each grant made under paragraph (1) may not exceed $100,000.

[(B) In each fiscal year for which funds are appropriated to carry out this section, grants shall be made under paragraph (1) to eligible applicants to carry out projects in not fewer than 10 States.

[(C) Not more than 2 grants may be made under paragraph (1) in each fiscal year to carry out projects in a particular State.

[(3) Each eligible applicant that receives a grant for a fiscal year to carry out a project under this section shall have priority to receive a grant for the subsequent fiscal year to carry out a project under this section.

[(b) To be eligible to receive a grant under subsection (a), an applicant shall—

[(1) submit to the Secretary an application in such form and containing such information and assurances as the Secretary may require by rule; and

[(2) propose to carry out such project in a geographical area that—

[(A) has a population under 20,000;

[(B) is located outside a Standard Metropolitan Statistical Area; and

[(C) agree to provide to the Secretary an annual report identifying—

[(i) the number of runaway and homeless youth who receive services under the project carried out by the applicant;

[(ii) the types of services authorized under part A that were needed by, but not provided to, such youth in the geographical area served by the project;

[(iii) the reasons the services identified under clause (ii) were not provided by the project; and

[(iv) such other information as the Secretary may require.]

PART E—SEXUAL ABUSE PREVENTION PROGRAM

SEC. 351. AUTHORITY TO MAKE GRANTS.

(a) The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse.

(b) In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to non-profit private agencies that have experience in providing services to runaway and homeless, and street youth.

PART [E] *F*—GENERAL PROVISIONS

ASSISTANCE TO POTENTIAL GRANTEES

SEC. [371.] *381.* The Secretary shall provide informational assistance to potential grantees interested in establishing runaway and homeless youth centers and transitional living youth projects. Such assistance shall consist of information on—

(1) steps necessary to establish a runaway and homeless youth center or transitional living youth project, including information on securing space for such center or such project, obtaining insurance, staffing, and establishing operating procedures;

(2) securing local private or public financial support for the operation of such center or such project, including information on procedures utilized by grantees under this title; and

(3) the need for the establishment of additional runaway and homeless youth centers in the geographical area identified by the potential grantee involved.

LEASE OF SURPLUS FEDERAL FACILITIES FOR USE AS RUNAWAY AND HOMELESS YOUTH CENTERS OR AS TRANSITIONAL LIVING YOUTH SHELTER FACILITIES

SEC. [372.] *382.* (a) The Secretary may enter into cooperative lease arrangements with States, localities, and nonprofit private agencies to provide for the use of appropriate surplus Federal facilities transferred by the General Services Administration to the Department of Health and Human Services for use as runaway and homeless youth centers or as transitional living youth shelter facilities if the Secretary determines that—

(1) the applicant involved has suitable financial support necessary to operate a runaway and homeless youth center or transitional living youth project, as the case may be, under this title;

(2) the applicant is able to demonstrate the program expertise required to operate such center in compliance with this title, whether or not the applicant is receiving a grant under this part; and

(3) the applicant has consulted with and obtained the approval of the chief executive officer of the unit of general local government in which the facility is located.

(b)(1) Each facility made available under this section shall be made available for a period of not less than 2 years, and no rent or fee shall be charged to the applicant in connection with use of such facility.

(2) Any structural modifications or additions to facilities made available under this section shall become the property of the United States. All such modifications or additions may be made only after receiving the prior written consent of the Secretary or other appropriate officer of the Department of Health and Human Services.

[PART F—ADMINISTRATIVE PROVISIONS]

[REPORTS

[SEC. 381. (a) Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate on the status and accomplishments of the runaway and homeless youth centers which are funded under part A, with particular attention to—

[(1) their effectiveness in alleviating the problems of runaway and homeless youth;

[(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

[(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

[(4) their effectiveness in helping youth decide upon a future course of action.

[(b) Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate on the status and accomplishments of the transitional living youth projects which are funded under part B, with particular attention to—

[(1) the number and characteristics of homeless youth served by such projects;

[(2) describing the types of activities carried out under such projects;

[(3) the effectiveness of such projects in alleviating the immediate problems of homeless youth;

[(4) the effectiveness of such projects in preparing homeless youth for self sufficiency;

[(5) the effectiveness of such projects in helping youth decide upon future education, employment, and independent living; and

[(6) the ability of such projects to strengthen family relationships, and encourage the resolution of intra-family problems through counseling and the development of self-sufficient living skills.]

REPORTS

SEC. 383. (a) Not later than April 1, 1999, and at 2-year intervals thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

(A) alleviating the problems of runaway and homeless youth;

(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

(C) strengthening family relationships and encouraging stable living conditions for such youth; and

(D) assisting such youth to decide upon a future course of action; and

(2) in the case of projects funded under part B—

(A) the number and characteristics of homeless youth served by such projects;

(B) the types of activities carried out by such projects;

(C) the effectiveness of such projects in alleviating the problems of homeless youth;

(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

(G) activities and programs planned by such projects for the following fiscal year.

(b) The Secretary shall include in the report required by subsection (a) summaries of—

(1) the evaluations performed by the Secretary under section 386; and

(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.

FEDERAL SHARE

SEC. [382.] *384.* (a) The Federal share for the renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

[ANNUAL PROGRAM PRIORITIES

SEC. [384. (a) The Secretary shall develop for each fiscal year, and publish annually in the Federal Register for public comment a proposed plan specifying the subject priorities the Secretary will follow in making grants under this title for such fiscal year.

[(b) Taking into consideration comments received in the 45-day period beginning on the date the proposed plan is published, the Secretary shall develop and publish, before December 31 of such fiscal year, a final plan specifying the priorities referred to in subsection (a).

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 385. (a)(1) To carry out the purposes of part A of this title there are authorized to be appropriated such sums as may be necessary for fiscal years 1989, 1990, 1991, and 1992.

[(2) Not less than 90 percent of the funds appropriated under paragraph (1) for a fiscal year shall be available to carry out section 311(a) in such fiscal year.

[(b)(1) Subject to paragraph (2), to carry out the purposes of part B of this title, there are authorized to be appropriated $5,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.

[(2) No funds may be appropriated to carry out part B of this title for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out part A of this title exceeds $26,900,000.

[(c) The Secretary (through the Office of Youth Development which shall administer this title) shall consult with the Attorney General (through the Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of cordinating the development and implementation of programs and activities funded under this title with those related programs and activities funded under title II of this Act and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

[(d) No funds appropriated to carry out the purposes of this title—

[(1) may be used for any program or activity which is not specifically authorized by this title; or

[(2) may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant or a single discretionary payment unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.]

FEDERAL SHARE

SEC. [382.] *384.* (a) The Federal share for the renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

RECORDS

SEC. [383.] *385.* Records containing the identity of individual youth pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency.

EVALUATION AND INFORMATION

SEC. 386. (a) If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

(2) collecting additional information for the report required by section 383; and

(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

(b) Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.

CONSOLIDATED REVIEW OF APPLICATIONS

SEC. 387. With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.

DEFINITIONS

SEC. 388. For the purposes of this title:

(1) The term "drug abuse education and prevention services"—

(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

(B) may include—

(i) individual, family, group, and peer counseling;

(ii) drop-in services;

(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

(2) The term "home-based services"—

(A) means services provided to youth and their families for the purpose of—

(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

(ii) assisting runaway youth to return to their families; and

(B) includes services that are provided in the residences of families (to the extent practicable), including—

(i) intensive individual and family counseling; and

(ii) training relating to life skills and parenting.

(3) The term "homeless youth" means an individual—

(A) who is—

(i) not more than 21 years of age; and

(ii) for the purposes of part B, not less than 16 years of age;

(B) for whom it is not possible to live in a safe environment with a relative; and

(C) who has no other safe alternative living arrangement.

(4) The term "street-based services"—

(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

(B) may include—

(i) identification of and outreach to runaway and homeless youth, and street youth;

(ii) crisis intervention and counseling;

(iii) information and referral for housing;

(iv) information and referral for transitional living and health care services;

(v) advocacy, education, and prevention services related to—

(I) alcohol and drug abuse;

(II) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

(III) physical and sexual assault.

(5) The term "street youth" means an individual who—

(A) is—

(i) a runaway youth; or

(ii) indefinitely or intermittently a homeless youth; and

(B) spends a significant amount of time on the street or in other areas which increase the exposure of such youth to sexual abuse.

(6) The term "transitional living youth project" means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

(7) The term "youth at risk of separation from the family" means an individual—

(A) who is less than 18 years of age; and

(B)(i) who has a history of running away from the family of such individual;

(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.

AUTHORIZATION OF APPROPRIATIONS

SEC. 389. (a)(1) There are authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

(2)(A) From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

(B) Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

(3) After reserving the amounts required by paragraph (2), the Secretary shall reserve the remaining amount (if any) to carry out parts C and D.

(4) There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

(b) No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.

SECTION 40155 OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

[SEC. 40155. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF RUNAWAY, HOMELESS, AND STREET YOUTH.

[Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq.) is amended—

[(1) by redesignating sections 316 and 317 as sections 317 and 318, respectively; and

[(2) by inserting after section 315 the following new section:

["GRANTS FOR PREVENTION OF SEXUAL ABUSE AND EXPLOITATION

["SEC. 316. (a) IN GENERAL.—The Secretary shall make grants under this section to private, nonprofit agencies for street-based outreach and education, including treatment, counseling, provision of information, and referral for runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse.

["(b) PRIORITY.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies that have experience in providing services to runaway, homeless, and street youth.

["(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

["(1) $7,000,000 for fiscal year 1996;

["(2) $8,000,000 for fiscal year 1997; and

["(3) $15,000,000 for fiscal year 1998.

["(d) DEFINITIONS.—For the purposes of this section—

["(1) the term 'street-based outreach and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim; and

["(2) the term 'street youth' means a juvenile who spends a significant amount of time on the street or in other areas of exposure to encounters that may lead to sexual abuse.".]

SEC. 40155. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF RUNAWAY, HOMELESS, AND STREET YOUTH.

(a) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) by striking the heading for part F,

(2) by redesignating part E as part F, and

(3) by inserting after part D the following:

"PART E—SEXUAL ABUSE PREVENTION PROGRAM

"SEC. 351. AUTHORITY TO MAKE GRANTS.

"(a) The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse.

"(b) In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to non-profit private agencies that have experience in providing services to runaway and homeless, and street youth.".

(b) AUTHORIZATION OF APPROPRIATIONS.—*Section 389(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by section 213 of the Juvenile Crime Control and Delinquency Prevention Act of 1997, is amended by adding at the end the following:*

"(4) There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001."

○